



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2616**

Introduced 1/20/2006, by Sen. Kirk W. Dillard - Peter J. Roskam

**SYNOPSIS AS INTRODUCED:**

745 ILCS 49/30

In a Section requiring a free medical clinic to post an explanation of its exemption from civil liability for that exemption to apply, as an alternative to this posting, provides that the clinic may provide an explanation of the exemption in writing to each person who is enrolled as a patient or member of that free medical clinic or, in the case of a minor patient or member, to the parent or guardian of that minor. Effective immediately.

LRB094 18609 AJ0 53953 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Act is amended by changing  
5 Section 30 as follows:

6 (745 ILCS 49/30)

7 Sec. 30. Free medical clinic; exemption from civil  
8 liability for services performed without compensation.

9 (a) A person licensed under the Medical Practice Act of  
10 1987, a person licensed to practice the treatment of human  
11 ailments in any other state or territory of the United States,  
12 or a health care professional, including but not limited to an  
13 advanced practice nurse, retired physician, physician  
14 assistant, nurse, pharmacist, physical therapist, podiatrist,  
15 or social worker licensed in this State or any other state or  
16 territory of the United States, who, in good faith, provides  
17 medical treatment, diagnosis, or advice as a part of the  
18 services of an established free medical clinic providing care,  
19 including but not limited to home visits, without charge to  
20 patients which is limited to care that does not require the  
21 services of a licensed hospital or ambulatory surgical  
22 treatment center and who receives no fee or compensation from  
23 that source shall not be liable for civil damages as a result  
24 of his or her acts or omissions in providing that medical  
25 treatment, except for willful or wanton misconduct.

26 (b) For purposes of this Section, a "free medical clinic"  
27 is an organized community based program providing medical care  
28 without charge to individuals, at which the care provided does  
29 not include an overnight stay in a health-care facility.

30 (c) The provisions of subsection (a) of this Section do not  
31 apply to a particular case unless the free medical clinic has  
32 posted in a conspicuous place on its premises an explanation of

1 the exemption from civil liability provided herein, or  
2 communicated an explanation of the exemption from civil  
3 liability provided herein in writing to each person who is  
4 enrolled as a patient or member of that free medical clinic or,  
5 in the case of a minor patient or member, to the parent or  
6 guardian of that minor..

7 (d) The immunity from civil damages provided under  
8 subsection (a) also applies to physicians, retired physicians,  
9 hospitals, and other health care providers that provide further  
10 medical treatment, diagnosis, or advice, including but not  
11 limited to hospitalization, office visits, and home visits, to  
12 a patient upon referral from an established free medical clinic  
13 without fee or compensation.

14 (d-5) A free medical clinic may receive reimbursement from  
15 the Illinois Department of Public Aid or contributions from  
16 other local governmental or community organizations, provided  
17 any reimbursements shall be used only to pay overhead expenses  
18 of operating the free medical clinic and may not be used, in  
19 whole or in part, to provide a fee or other compensation to any  
20 person licensed under the Medical Practice Act of 1987 or any  
21 other health care professional who is receiving an exemption  
22 under this Section. Any health care professional receiving an  
23 exemption under this Section may not receive any fee or other  
24 compensation in connection with any services provided to, or  
25 any ownership interest in, the clinic. Medical care shall not  
26 include an overnight stay in a health care facility.

27 (e) Nothing in this Section prohibits a free medical clinic  
28 from accepting voluntary contributions for medical services  
29 provided to a patient who has acknowledged his or her ability  
30 and willingness to pay a portion of the value of the medical  
31 services provided.

32 (f) Any voluntary contribution collected for providing  
33 care at a free medical clinic shall be used only to pay  
34 overhead expenses of operating the clinic. No portion of any  
35 moneys collected shall be used to provide a fee or other  
36 compensation to any person licensed under Medical Practice Act

1 of 1987.

2 (g) The changes to this Section made by this amendatory Act  
3 of the 94th General Assembly apply to causes of action accruing  
4 on or after its effective date.

5 (Source: P.A. 94-677, eff. 8-25-05.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.