



Sen. John J. Cullerton

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09400SB2616sam001

LRB094 18609 AJ0 55970 a

1 AMENDMENT TO SENATE BILL 2616

2 AMENDMENT NO. _____. Amend Senate Bill 2616 by replacing
3 everything after the enacting clause with the following:

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 ~~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

1 treatment, except for willful or wanton misconduct.

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

6 (c) The provisions of subsection (a) of this Section do not
7 apply to a particular case unless the free medical clinic has
8 posted in a conspicuous place on its premises an explanation of
9 the exemption from civil liability provided herein.

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

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

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

34 (f) Any voluntary contribution collected for providing

1 care at a free medical clinic shall be used only to pay
2 overhead expenses of operating the clinic. No portion of any
3 moneys collected shall be used to provide a fee or other
4 compensation to any person licensed under Medical Practice Act
5 of 1987.

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

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