

SB2212



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2212

Introduced 2/14/2008, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. 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. Provides that a free medical clinic may receive reimbursement from other local governmental or community organizations (at present, Illinois Department of Healthcare and Family Services). Effective immediately.

LRB095 18125 AJO 44208 b

A BILL FOR

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

1 of his or her acts or omissions in providing that medical
2 treatment, except for willful or wanton misconduct.

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

7 (c) The provisions of subsection (a) of this Section do not
8 apply to a particular case unless the free medical clinic has
9 posted in a conspicuous place on its premises an explanation of
10 the exemption from civil liability provided herein, or
11 communicated an explanation of the exemption from civil
12 liability provided herein in writing to each person who is
13 enrolled as a patient or member of that free medical clinic or,
14 in the case of a minor patient or member, to the parent or
15 guardian of that minor.

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

23 (d-5) A free medical clinic may receive reimbursement from
24 the Illinois Department of Healthcare and Family Services or
25 contributions from local governmental units or community
26 organizations ~~Public Aid~~, provided any reimbursements shall be

1 used only to pay overhead expenses of operating the free
2 medical clinic and may not be used, in whole or in part, to
3 provide a fee or other compensation to any person licensed
4 under the Medical Practice Act of 1987 or any other health care
5 professional who is receiving an exemption under this Section.
6 Any health care professional receiving an exemption under this
7 Section may not receive any fee or other compensation in
8 connection with any services provided to, or any ownership
9 interest in, the clinic. Medical care shall not include an
10 overnight stay in a health care facility.

11 (e) Nothing in this Section prohibits a free medical clinic
12 from accepting voluntary contributions for medical services
13 provided to a patient who has acknowledged his or her ability
14 and willingness to pay a portion of the value of the medical
15 services provided.

16 (f) Any voluntary contribution collected for providing
17 care at a free medical clinic shall be used only to pay
18 overhead expenses of operating the clinic. No portion of any
19 moneys collected shall be used to provide a fee or other
20 compensation to any person licensed under Medical Practice Act
21 of 1987.

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.