

SB1759



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1759

Introduced 2/15/2013, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. To the definition of "free medical clinic", adds programs organized by a municipality, local health department, or local health jurisdiction under a program organized by a local health department under administrative rules utilizing credentialed members of the Medical Reserve Corps at which the care provided does not include an overnight stay in a health-care facility.

LRB098 08432 HEP 38538 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 (Text of Section WITHOUT the changes made by P.A. 94-677,
8 which has been held unconstitutional)

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

11 (a) A person licensed under the Medical Practice Act of
12 1987, a person licensed to practice the treatment of human
13 ailments in any other state or territory of the United States,
14 or a health care professional, including but not limited to an
15 advanced practice nurse, physician assistant, nurse,
16 pharmacist, physical therapist, podiatrist, or social worker
17 licensed in this State or any other state or territory of the
18 United States, who, in good faith, provides medical treatment,
19 diagnosis, or advice as a part of the services of an
20 established free medical clinic providing care to medically
21 indigent patients which is limited to care that does not
22 require the services of a licensed hospital or ambulatory
23 surgical treatment center and who receives no fee or

1 compensation from that source shall not be liable for civil
2 damages as a result of his or her acts or omissions in
3 providing that medical treatment, except for willful or wanton
4 misconduct.

5 (b) For purposes of this Section, a "free medical clinic"
6 is:

7 (1) an organized community based program providing
8 medical care without charge to individuals unable to pay
9 for it, at which the care provided does not include the use
10 of general anesthesia or require an overnight stay in a
11 health-care facility; or -

12 (2) a program organized by a municipality, local health
13 department, or local health jurisdiction under a program
14 organized by a local health department under 77 Ill. Adm.
15 Code 615 utilizing credentialed members of the Medical
16 Reserve Corps at which the care provided does not include
17 an overnight stay in a health-care facility.

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

22 (d) The immunity from civil damages provided under
23 subsection (a) also applies to physicians, hospitals, and other
24 health care providers that provide further medical treatment,
25 diagnosis, or advice to a patient upon referral from an
26 established free medical clinic without fee or compensation.

1 (e) Nothing in this Section prohibits a free medical clinic
2 from accepting voluntary contributions for medical services
3 provided to a patient who has acknowledged his or her ability
4 and willingness to pay a portion of the value of the medical
5 services provided.

6 Any voluntary contribution collected for providing care at
7 a free medical clinic shall be used only to pay overhead
8 expenses of operating the clinic. No portion of any moneys
9 collected shall be used to provide a fee or other compensation
10 to any person licensed under Medical Practice Act of 1987.

11 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)