

# HB2628



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2628

by Rep. Laura Fine

#### SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. To the definition of "free medical clinic", adds programs organized by a certified local health department utilizing members of the federal Volunteer Medical Reserve Corps, at which the care provided does not include an overnight stay in a health-care facility.

LRB099 10671 HEP 30927 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, podiatric physician, or social  
17 worker licensed in this State or any other state or territory  
18 of the United States, who, in good faith, provides medical  
19 treatment, 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 certified local health  
13 department pursuant to Part 600 of Title 77 of the Illinois  
14 Administrative Code, utilizing health professional members  
15 of the Volunteer Medical Reserve Corps (the federal  
16 organization under 42 U.S.C. 300hh-15), at which the care  
17 provided does not include an overnight stay in a  
18 health-care facility.

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

23 (d) The immunity from civil damages provided under  
24 subsection (a) also applies to physicians, hospitals, and other  
25 health care providers that provide further medical treatment,  
26 diagnosis, or advice to a patient upon referral from an

1 established free medical clinic without fee or compensation.

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

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

12 (Source: P.A. 98-214, eff. 8-9-13.)