



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3305

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30
745 ILCS 49/30.5

Amends the Good Samaritan Act. Provides that a free medical clinic or free medical clinic without physical premises may receive reimbursement from the Department of Healthcare and Family Services or may receive partial reimbursement from a patient based upon ability to pay, provided any such reimbursements shall be used only to pay overhead expenses of operating the free medical clinic or free medical clinic without physical premises and may not be used, in whole or in part, to provide a fee, reimbursement, or other compensation to any person licensed under the Medical Practice Act of 1987 or other health care professional who is receiving an exemption or to any entity that the person owns or controls or in which the person has an ownership interest or from which the person receives a fee, reimbursement, or compensation of any kind. Effective immediately.

LRB099 03984 HEP 24001 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 Sections 30 and 30.5 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 an organized community based program providing medical care
7 without charge to individuals unable to pay for it, at which
8 the care provided does not include the use of general
9 anesthesia or require an overnight stay in a health-care
10 facility.

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

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

20 (d-5) A free medical clinic may receive reimbursement from
21 the Department of Healthcare and Family Services or may receive
22 partial reimbursement from a patient based upon ability to pay,
23 provided any such reimbursements shall be used only to pay
24 overhead expenses of operating the free medical clinic and may
25 not be used, in whole or in part, to provide a fee,
26 reimbursement, or other compensation to any person licensed

1 under the Medical Practice Act of 1987 or other health care
2 professional who is receiving an exemption under this Act or to
3 any entity that the person owns or controls or in which the
4 person has an ownership interest or from which the person
5 receives a fee, reimbursement, or compensation of any kind.

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

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

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

17 (745 ILCS 49/30.5)

18 Sec. 30.5. Alternative free medical clinic without
19 physical premises patient notification practice. A free
20 medical clinic under this Act which does not have physical
21 premises on which to post the explanation of the exemption from
22 civil liability under this Act, shall provide a clear, concise,
23 and understandable explanation of the exemption from civil
24 liability provided in this Act in writing, in at least 14 point
25 bold type to each person who is enrolled as a patient or member

1 of that free clinic or, in the case of a minor patient or
2 member to the parent or guardian of the minor.

3 The explanation of the exemption from civil liability must
4 be contained in a separate document and be signed by the
5 patient or member of the free clinic or, in the case of a minor
6 patient or member by the parent or guardian of the minor.

7 No immunity provisions under this Act apply unless a free
8 medical clinic without physical premises complies with this
9 Section.

10 A free medical clinic without physical premises may receive
11 reimbursement from the Department of Healthcare and Family
12 Services or may receive partial reimbursement from a patient
13 based upon ability to pay, provided any such reimbursements
14 shall be used only to pay overhead expenses of operating the
15 free medical clinic without physical premises and may not be
16 used, in whole or in part, to provide a fee, reimbursement, or
17 other compensation to any person licensed under the Medical
18 Practice Act of 1987 or other health care professional who is
19 receiving an exemption under this Act or to any entity that the
20 person owns or controls or in which the person has an ownership
21 interest or from which the person receives a fee,
22 reimbursement, or compensation of any kind.

23 The changes made by this amendatory Act of the 95th General
24 Assembly apply to actions accruing on or after the effective
25 date of this amendatory Act of the 95th General Assembly.

26 (Source: P.A. 95-874, eff. 8-21-08.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.