

HB4270



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4270

by Rep. David S. Olsen

SYNOPSIS AS INTRODUCED:

745 ILCS 49/30

Amends the Good Samaritan Act. Provides that a free medical clinic shall not be liable for civil damages as a result of acts or omissions in providing medical treatment, diagnosis, or advice, except for willful or wanton misconduct.

LRB100 13941 HEP 28680 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 free medical clinic shall not be liable for civil
10 damages as a result of acts or omissions in providing medical
11 treatment, diagnosis, or advice as a part of the services of
12 the free medical clinic, except for willful or wanton
13 misconduct. A person licensed under the Medical Practice Act of
14 1987, a person licensed to practice the treatment of human
15 ailments in any other state or territory of the United States,
16 or a health care professional, including but not limited to an
17 advanced practice nurse, physician assistant, nurse,
18 pharmacist, physical therapist, podiatric physician, or social
19 worker licensed in this State or any other state or territory
20 of the United States, who, in good faith, provides medical
21 treatment, diagnosis, or advice as a part of the services of an
22 established free medical clinic providing care to medically
23 indigent patients which is limited to care that does not

1 require the services of a licensed hospital or ambulatory
2 surgical treatment center and who receives no fee or
3 compensation from that source shall not be liable for civil
4 damages as a result of his or her acts or omissions in
5 providing that medical treatment, except for willful or wanton
6 misconduct.

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

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

14 (2) a program organized by a certified local health
15 department pursuant to Part 600 of Title 77 of the Illinois
16 Administrative Code, utilizing health professional members
17 of the Volunteer Medical Reserve Corps (the federal
18 organization under 42 U.S.C. 300hh-15) providing medical
19 care without charge to individuals unable to pay for it, at
20 which the care provided does not include an overnight stay
21 in a health-care facility.

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

26 (d) The immunity from civil damages provided under

1 subsection (a) also applies to physicians, hospitals, and other
2 health care providers that provide further medical treatment,
3 diagnosis, or advice to a patient upon referral from an
4 established free medical clinic without fee or compensation.

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

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

15 (f) The changes to this Section made by this amendatory Act
16 of the 99th General Assembly apply only to causes of action
17 accruing on or after the effective date of this amendatory Act
18 of the 99th General Assembly. The changes to this Section made
19 by this amendatory Act of the 100th General Assembly apply only
20 to causes of action accruing on or after the effective date of
21 this amendatory Act of the 100th General Assembly.

22 (Source: P.A. 98-214, eff. 8-9-13; 99-42, eff. 1-1-16.)