

# HB3116



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3116

by Rep. Margo McDermed

### 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.

LRB101 07888 LNS 52943 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 registered nurse, physician assistant,  
18 nurse, pharmacist, physical therapist, podiatric physician, or  
19 social worker licensed in this State or any other state or  
20 territory of the United States, who, in good faith, provides  
21 medical treatment, diagnosis, or advice as a part of the  
22 services of an established free medical clinic providing care  
23 to medically indigent patients which is limited to care that

1 does not require the services of a licensed hospital or  
2 ambulatory 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 101st General Assembly apply only  
20 to causes of action accruing on or after the effective date of  
21 this amendatory Act of the 101st General Assembly.

22 (Source: P.A. 99-42, eff. 1-1-16; 100-513, eff. 1-1-18.)