

1 AN ACT concerning liability.

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 20 as follows:

6 (745 ILCS 49/20)

7 Sec. 20. Free dental clinic; exemption from civil liability  
8 for services performed without compensation. Any person  
9 licensed under the Illinois Dental Practice Act to practice  
10 dentistry or to practice as a dental hygienist who, in good  
11 faith, provides dental treatment, dental services, diagnoses,  
12 or advice as part of the services of an established free dental  
13 clinic providing care to medically indigent patients which is  
14 limited to care which does not require the services of a  
15 licensed hospital or ambulatory surgical treatment center, and  
16 who receives no fee or compensation from that source shall not,  
17 as a result of any acts or omissions, except for willful or  
18 wanton misconduct on the part of the licensee, in providing  
19 dental treatment, dental services, diagnoses or advice, be  
20 liable for civil damages. For purposes of this Section, a "free  
21 dental clinic" is an organized ~~community or public health based~~  
22 program providing, without charge, dental care to individuals  
23 unable to pay for their care. For purposes of this Section, an  
24 "organized program" is a program sponsored by a community,  
25 public health, charitable, voluntary, or organized dental  
26 organization. Free dental services provided under this Section  
27 may be provided at a clinic or private dental office. A free  
28 dental clinic may receive reimbursement from the Illinois  
29 Department of Public Aid or may receive partial reimbursement  
30 from a patient based upon ability to pay, provided any such  
31 reimbursements shall be used only to pay overhead expenses of  
32 operating the free dental clinic and may not be used, in whole

1 or in part, to provide a fee, reimbursement, or other  
2 compensation to any person licensed under the Illinois Dental  
3 Practice Act who is receiving an exemption under this Section  
4 or to any entity that the person owns or controls or in which  
5 the person has an ownership interest or from which the person  
6 receives a fee, reimbursement, or compensation of any kind.

7 Dental care shall not include the use of general anesthesia or  
8 require an overnight stay in a health care facility.

9 The provisions of this Section shall not apply in any case  
10 unless the free dental clinic has posted in a conspicuous place  
11 on its premises an explanation of the immunity from civil  
12 liability provided in this Section.

13 (Source: P.A. 92-92, eff. 1-1-02.)