

THE GOOD SAMARITAN ACT

HB 355

AMENDMENT TO THE MEDICAL PRACTICE ACT OF 1987 (CHANGING SECTION 31)

(INTRODUCED 1/20/95 BY CONGRESSMAN LEITCH)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ILLINOIS, REPRESENTED IN THE GENERAL ASSEMBLY:

Section 5. The Medical Practice Act of 1987 is amended by changing Section 31 as follows:
(225 ILCS 60/31) (from Ch. 111, par. 4400-31)

Section 31. Liability exclusion; free medical clinic

A (a) Any person licensed under this Act or licensed to practice the treatment of human ailments in any other state or territory of the United States, except a person licensed to practice midwifery, who in good faith, provides medical treatment, diagnosis, or advice as a part of the services of an established free medical clinic providing care to medically indigent patients which is limited to care that does not require the services of a licensed hospital or ambulatory surgical treatment center, and who receives no fee or compensation from that source shall not be liable for civil damages, as a result of his or her acts or omissions in providing that medical treatment except for willful or wanton misconduct.

(b) For purposes of this Section, a “free medical Clinic” is an organized community based program by providing medical care, without charge, to individuals unable to pay for it at which the care provided does not include the use of general anesthesia or require an overnight stay in a health-care facility.

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

(d) Nothing in this Act prohibits a free medical clinic from accepting voluntary contributions for medical services provided to a patient who has acknowledged his or her ability and willingness to pay a portion of the value of the medical services provided.

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

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

Source: P.A. 88-342.)

(Effective 1/1/96)