



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by David Luechtefeld, Frank C. Watson,
Kirk W. Dillard, John O. Jones

SYNOPSIS AS INTRODUCED:

New Act

Creates the Medical Malpractice Reform Study Act and the Blue Ribbon Commission on Medical Malpractice Reform. Provides for composition of the Commission. Provides that the Commission shall study the advisability of implementing an alternative system for the resolution of medical malpractice disputes that incorporates elements of the workers' compensation system, including but not limited to the administrative adjudication of disputes by qualified arbitrators, and shall also consider funding mechanisms, constitutional and other legal issues, economic issues, and other matters. Provides that the Commission shall report its findings and specific recommendations to the Governor and the General Assembly no later than March 1, 2005. Effective July 1, 2004.

LRB093 20529 WGH 46333 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning medical malpractice.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Medical Malpractice Reform Study Act.

6 Section 5. Findings. The General Assembly finds as follows:

7 (1) The system of compensation for workplace injuries and
8 illnesses in Illinois is well-established and provides for the
9 prompt and fair payment of medical and other expenses arising
10 from most accidents in the workplace. The standards and
11 procedures in the Workers' Compensation Act and the Workers'
12 Occupational Diseases Act facilitate the resolution of many
13 disputes administratively, without placing additional pressure
14 on an already-overburdened judicial system or introducing the
15 emotional elements that sometimes arise in court proceedings
16 that involve juries.

17 (2) The existing system for resolving medical malpractice
18 disputes has adversely affected the provision of health care in
19 Illinois. Large jury verdicts, particularly in St. Clair and
20 Madison counties, have resulted in high malpractice insurance
21 premiums and, in some cases, a complete denial of coverage. As
22 a result, some physicians have either relocated their practices
23 or retired from the practice of medicine. This adversely
24 affects the ability of the citizens of this State to obtain
25 high-quality health care, which, in turn, adversely affects the
26 economic and social viability of our communities.

27 (3) The existing system for resolving medical malpractice
28 disputes has resulted in large awards for some, but no awards
29 for many people who have valid claims but cannot obtain
30 representation on a contingent fee basis because of the size of
31 their claims.

32 (4) Adoption of some elements of the workers' compensation

1 system, including but not limited to the administrative
2 adjudication of disputes by qualified arbitrators, may result
3 in more equitable resolution of medical malpractice disputes
4 than the current system.

5 Section 10. The Blue Ribbon Commission. There is created
6 the Blue Ribbon Commission on Medical Malpractice Reform. The
7 Commission shall consist of 24 members. The President of the
8 Senate, the Minority Leader of the Senate, the Speaker of the
9 House of Representatives, and the Minority Leader of the House
10 of Representatives shall each appoint 6 members. Each
11 appointing authority shall appoint 2 members representing
12 health care providers, one member representing health care
13 consumers, one member representing trial attorneys who handle
14 medical malpractice cases, one member representing medical
15 malpractice insurers, and one member with university research
16 experience in law and economics.

17 The Commission shall elect one of its members to serve as
18 chairperson. The Commission shall meet at the call of the
19 chairperson. Members of the Commission shall not be compensated
20 for their service, but shall be reimbursed for the actual
21 expenses incurred in the performance of their duties. The
22 Industrial Commission, Department of Insurance, and General
23 Assembly shall provide technical and other support services to
24 the Commission as needed.

25 The Commission shall study the advisability of
26 implementing an alternative system for the resolution of
27 medical malpractice disputes that incorporates elements of the
28 workers' compensation system, including but not limited to the
29 administrative adjudication of disputes by qualified
30 arbitrators. The Commission shall consider funding mechanisms,
31 constitutional and other legal issues, economic issues, and any
32 other matters deemed advisable by the Commission.

33 The Commission shall report its findings and specific
34 recommendations to the Governor and the General Assembly no
35 later than March 1, 2005.

1 Section 99. Effective date. This Act takes effect July 1,
2 2004.