



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:

215 ILCS 5/155.19

from Ch. 73, par. 767.19

Amends the Illinois Insurance Code. Requires the Department of Insurance to perform a study to determine the causes and trends of increases in medical malpractice insurance premiums over the last 10 years. Provides certain factors to be included in the study. Effective July 1, 2004.

LRB093 20675 SAS 46544 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning insurance.

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

4 Section 5. The Illinois Insurance Code is amended by
5 changing Section 155.19 as follows:

6 (215 ILCS 5/155.19) (from Ch. 73, par. 767.19)

7 Sec. 155.19. All claims filed after December 31, 1976 with
8 any insurer and all suits filed after December 31, 1976 in any
9 court in this State, alleging liability on the part of any
10 physician, hospital or other health care provider for medically
11 related injuries, shall be reported to the Director of
12 Insurance in such form and under such terms and conditions as
13 may be prescribed by the Director. The Director shall maintain
14 complete and accurate records of all such claims and suits
15 including their nature, amount, disposition and other
16 information as he may deem useful or desirable in observing and
17 reporting on health care provider liability trends in this
18 State. The Director shall release to appropriate disciplinary
19 and licensing agencies any such data or information which may
20 assist such agencies in improving the quality of health care or
21 which may be useful to such agencies for the purpose of
22 professional discipline.

23 With due regard for appropriate maintenance of the
24 confidentiality thereof, the Director may release from time to
25 time to the Governor, the General Assembly and the general
26 public statistical reports based on such data and information.

27 The Director may promulgate such rules and regulations as
28 may be necessary to carry out the provisions of this Section.

29 The Department of Insurance shall perform a study to
30 determine the causes and trends of increases in medical
31 malpractice insurance premiums in the State over the last 10
32 years. Factors to be included in the study include but are not

1 limited to:

2 (1) The number of medical malpractice claims filed and
3 amounts recovered for economic and non-economic damages
4 per claim by county.

5 (2) The amount of attorney's fees paid by medical
6 malpractice plaintiffs and defendants per case per year by
7 county.

8 (3) The availability and cost of medical malpractice
9 insurance by county and by specialty area.

10 (4) An evaluation of each provider of medical
11 malpractice insurance as to the amount they received from
12 premiums and the amount paid out in claims.

13 The report shall be filed with the State Government Report
14 Distribution Center for the General Assembly as is required
15 under paragraph (t) of Section 7 of the State Library Act by
16 January 1, 2005.

17 (Source: P.A. 79-1434.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2004.