



Rep. Karen May

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LRB094 07024 WGH 47278 a

1 AMENDMENT TO SENATE BILL 475

2 AMENDMENT NO. _____. Amend Senate Bill 475, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 6, by inserting after line 30 the following:

5 "(i) (1) Every company writing medical liability insurance
6 in this State shall file with the Secretary of Financial and
7 Professional Regulation a report setting forth all medical
8 liability insurance premiums charged to each hospital in this
9 State during the 2-year period ending on the day before the
10 effective date of this amendatory Act of the 94th General
11 Assembly, together with the number of insureds and any other
12 information required by the Secretary in accordance with this
13 subsection (i). Every company writing medical liability
14 insurance in this State shall also file with the Secretary of
15 Financial and Professional Regulation a report setting forth
16 all medical liability insurance premiums charged to each
17 hospital in this State during the 2-year period beginning on
18 the effective date of this amendatory Act of the 94th General
19 Assembly, together with the number of insureds and any other
20 information required by the Secretary in accordance with this
21 subsection (i).

22 (2) Every company writing medical liability insurance in
23 this State shall file with the Secretary of Financial and
24 Professional Regulation a report setting forth all medical
25 liability insurance premiums charged to each physician and
26 health care professional in this State during the 2-year period

1 ending on the day before the effective date of this amendatory
2 Act of the 94th General Assembly, together with the number of
3 insureds and any other information required by the Secretary in
4 accordance with this subsection (i). Every company writing
5 medical liability insurance in this State shall also file with
6 the Secretary of Financial and Professional Regulation a report
7 setting forth all medical liability insurance premiums charged
8 to each physician and health care professional in this State
9 during the 2-year period beginning on the effective date of
10 this amendatory Act of the 94th General Assembly, together with
11 the number of insureds and any other information required by
12 the Secretary in accordance with this subsection (i).

13 (3) The Secretary of Financial and Professional Regulation
14 shall adopt rules for the submission of reports required under
15 paragraphs (1) and (2), for hearings and the submission of any
16 other information that the Secretary deems appropriate for the
17 purpose of making determinations under this subsection (i), for
18 appropriate methods of determining average changes in premiums
19 charged during the relevant periods, and for the carrying out
20 of the Secretary's responsibilities under this subsection (i).

21 (4) Based on the information obtained by the Secretary of
22 Financial and Professional Regulation under this subsection
23 (i) and any other information available to the Secretary under
24 this Code, the Secretary shall determine whether medical
25 liability insurance premiums charged to each hospital in this
26 State during the 2-year period beginning on the effective date
27 of this amendatory Act of the 94th General Assembly have been
28 reduced by at least 20%, on average, compared to medical
29 liability insurance premiums charged to each hospital in this
30 State during the 2-year period ending on the day before the
31 effective date of this amendatory Act of the 94th General
32 Assembly. If the Secretary determines that those medical
33 liability insurance premiums have not been reduced by at least
34 20%, on average, the Secretary shall notify each company

1 writing medical liability insurance in this State of its
2 determination. If no review is sought, or upon the
3 determination being upheld after exhaustion of any
4 administrative or judicial remedies, the Secretary shall
5 promptly with the Index Department of the Secretary of State
6 file a written certification containing its determination.

7 (5) Based on the information obtained by the Secretary of
8 Financial and Professional Regulation under this subsection
9 (i) and any other information available to the Secretary under
10 this Code, the Secretary shall determine whether medical
11 liability insurance premiums charged to each physician and
12 health care professional in this State during the 2-year period
13 beginning on the effective date of this amendatory Act of the
14 94th General Assembly have been reduced by at least 20%, on
15 average, compared to medical liability insurance premiums
16 charged to each physician health care professional in this
17 State during the 2-year period ending on the day before the
18 effective date of this amendatory Act of the 94th General
19 Assembly. If the Secretary determines that those medical
20 liability insurance premiums have not been reduced by at least
21 20%, on average, the Secretary shall notify each company
22 writing medical liability insurance in this State of its
23 determination, which may be appealed in accordance with the
24 Illinois Administrative Procedure Act. If no review is sought,
25 or upon the determination being upheld after exhaustion of any
26 administrative or judicial remedies, the Secretary shall
27 promptly with the Index Department of the Secretary of State
28 file a written certification containing its determination.";

29 and

30 on page 51, by inserting after line 25 the following:

31 "(d) Notwithstanding any other provision of this Section,
32 if the Secretary of Financial and Professional Regulation files
33 a written certification with the Index Department of the

1 Secretary of State under paragraph (4) of subsection (i) of
2 Section 155.18 of the Illinois Insurance Code, the limit on
3 non-economic damages in paragraph (1) of subsection (a) of this
4 Section does not apply to any cause of action accruing on or
5 after the date of filing of the written certification.

6 "(e) Notwithstanding any other provision of this Section,
7 if the Secretary of Financial and Professional Regulation files
8 a written certification with the Index Department of the
9 Secretary of State under paragraph (5) of subsection (i) of
10 Section 155.18 of the Illinois Insurance Code, the limit on
11 non-economic damages in paragraph (2) of subsection (a) of this
12 Section does not apply to any cause of action accruing on or
13 after the date of filing of the written certification."