



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1690

Introduced 2/24/2005, by Sen. Dan Cronin

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2501

from Ch. 110, par. 8-2501

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning expert witnesses.

LRB094 11310 LCB 42135 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 8-2501 as follows:

6 (735 ILCS 5/8-2501) (from Ch. 110, par. 8-2501)

7 (Text of Section WITH the changes made by P.A. 89-7, which  
8 has been held unconstitutional)

9 Sec. 8-2501. Expert Witness Standards. In any ~~any~~ case in  
10 which the standard of care applicable to a medical professional  
11 is at issue, the court shall apply the following standards to  
12 determine if a witness qualifies as an expert witness and can  
13 testify on the issue of the appropriate standard of care.

14 (a) Whether the witness is board certified or board  
15 eligible in the same medical specialties as the defendant and  
16 is familiar with the same medical problem or problems or the  
17 type of treatment administered in the case;

18 (b) Whether the witness has devoted 75% of his or her time  
19 to the practice of medicine, teaching or University based  
20 research in relation to the medical care and type of treatment  
21 at issue which gave rise to the medical problem of which the  
22 plaintiff complains;

23 (c) Whether the witness is licensed by any state or the  
24 District of Columbia in the same profession as the defendant;  
25 and

26 (d) Whether, in the case against a nonspecialist, the  
27 witness can demonstrate a sufficient familiarity with the  
28 standard of care practiced in this State.

29 An expert shall provide proof of active practice, teaching,  
30 or engaging in university-based research. If retired, an expert  
31 must provide proof of attendance and completion of continuing  
32 education courses for 3 years previous to giving testimony. No

1 expert who has not actively practiced, taught, or been engaged  
2 in university-based research for 10 years may be qualified as  
3 an expert witness.

4 This amendatory Act of 1995 applies to causes of action  
5 filed on or after its effective date.

6 (Source: P.A. 89-7, eff. 3-9-95.)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,  
8 which has been held unconstitutional)

9 Sec. 8-2501. Expert Witness Standards. In any ~~any~~ case in  
10 which the standard of care given by a medical profession is at  
11 issue, the court shall apply the following standards to  
12 determine if a witness qualifies as an expert witness and can  
13 testify on the issue of the appropriate standard of care.

14 (a) Relationship of the medical specialties of the witness  
15 to the medical problem or problems and the type of treatment  
16 administered in the case;

17 (b) Whether the witness has devoted a substantial portion  
18 of his or her time to the practice of medicine, teaching or  
19 University based research in relation to the medical care and  
20 type of treatment at issue which gave rise to the medical  
21 problem of which the plaintiff complains;

22 (c) whether the witness is licensed in the same profession  
23 as the defendant; and

24 (d) whether, in the case against a nonspecialist, the  
25 witness can demonstrate a sufficient familiarity with the  
26 standard of care practiced in this State.

27 (Source: P.A. 84-7.)