



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB3554

Introduced 2/8/2012, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Alternatives to Medical Malpractice Litigation Task Force. Provides that the task force shall study and report on alternative processes in which medical malpractice complaints may be pursued and presented in Illinois other than proceeding directly to litigation in the Illinois court system. Provides that an alternative process must adhere to the underlying principles of reducing health care costs by lessening the need for physicians to practice defensive medicine, increasing the number of physicians in Illinois by decreasing medical liability insurance rates, and providing patients with fair and timely compensation by avoiding the expense and delay of the court system. Provides that the task force shall develop an objective rating system by which alternative processes to medical malpractice litigation may be ranked by such factors as cost savings to physicians and patients, efficiency in procedures and timeliness, effectiveness in reducing unnecessary litigation, and ability to maintain or improve overall quality of medical care services in this State. Provides that the Department of Insurance shall provide staff and administrative support to the task force. Provides that the task force shall submit a final report of its findings and recommendations to the General Assembly and the Governor by January 1, 2013. Effective immediately.

LRB097 19746 AJO 65006 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning medical malpractice litigation.

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 Alternatives to Medical Malpractice Litigation Task Force Act.

6 Section 5. The Alternatives to Medical Malpractice  
7 Litigation Task Force is created. The task force shall consist  
8 of the following voting members:

9 (1) One member appointed by the Governor.

10 (2) One member appointed by the President of the  
11 Senate.

12 (3) One member appointed by the Minority Leader of the  
13 Senate.

14 (4) One member appointed by the Speaker of the House of  
15 Representatives.

16 (5) One member appointed by the Minority Leader of the  
17 House of Representatives.

18 (6) One member appointed by the Illinois State Medical  
19 Society.

20 (7) One member appointed by the Illinois Hospital  
21 Association.

22 (8) One member appointed by the Illinois State Bar  
23 Association.

1           (9) One member appointed by the Director of the  
2           Department of Insurance.

3           (10) One member appointed by the Director of the  
4           Department of Public Health.

5           (b) The task force shall study and report on alternative  
6           processes in which medical malpractice complaints may be  
7           pursued and presented in Illinois other than proceeding  
8           directly to litigation in the Illinois court system. An  
9           alternative process must adhere to the underlying principles of  
10          reducing health care costs by lessening the need for physicians  
11          to practice defensive medicine, increasing the number of  
12          physicians in Illinois by decreasing medical liability  
13          insurance rates, and providing patients with fair and timely  
14          compensation by avoiding the expense and delay of the court  
15          system. The task force shall develop an objective rating system  
16          by which alternative processes to medical malpractice  
17          litigation may be ranked by such factors as cost savings to  
18          physicians and patients, efficiency in procedures and  
19          timeliness, effectiveness in reducing unnecessary litigation,  
20          and ability to maintain or improve overall quality of medical  
21          care services in this State.

22          (c) The task force shall meet on a periodic basis to  
23          examine and compile data regarding alternative processes to  
24          medical malpractice litigation as currently practiced in  
25          Illinois. Examination and compilation of data shall include,  
26          but is not limited to, the following areas: federal laws and

1 procedures; other states' laws and procedures; laws and  
2 procedures of units of local government; and practices and  
3 procedures in any other appropriate settings.

4 (d) The Department of Insurance shall provide staff and  
5 administrative support to the task force.

6 (e) The task force shall submit a final report of its  
7 findings and recommendations to the Governor and the General  
8 Assembly on or before January 1, 2013.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.