

## **Decatur Herald and Review**

### **Legislators produce medical malpractice compromise**

By MATT ADRIAN - H&R Springfield Bureau Writer

SPRINGFIELD - A medical malpractice compromise was reached Wednesday that includes caps and insurance reforms, but critics remain.

The proposal took shape during a daylong closed door meeting between Democrats and medical groups to keep doctors from fleeing the state because of what they say are skyrocketing malpractice insurance rates.

Gov. Rod Blagojevich, who doesn't support caps, will sign the legislation because it also includes insurance as well as disciplinary reforms, said Rebecca Rausch, an administration spokeswoman.

"He will not stand in the way," Rausch said.

The bill will go to a House committee today.

The compromise brings to a close a nearly two-year struggle to get an agreement on tort reforms as medical groups blamed runaway juries and trial lawyers blamed greedy insurance companies.

The legislation includes the controversial cap on noneconomic damages in medical malpractice cases. The Illinois Supreme Court has twice struck down caps on the pain-and-suffering awards as unconstitutional.

Doctors would get the protection of a \$500,000 cap. Hospitals would get a \$1 million cap.

"The cap is going to allow hospitals to start devoting resources that up until this point have gone to pay extraordinarily high insurance premiums and to use those resources to improve the quality of care," said Kenneth Robbins, Illinois Hospital Association president.

Senate Minority Leader Frank Watson, R-Greenville, credited Wednesday's compromise to the constant pressure from downstate lawmakers, who have borne the brunt of the doctor shortage.

Chicago lawmakers blasted caps as being unfair and unconstitutional.

"I think that it will hurt poor people," said state Sen. James Meeks, a Chicago independent. "People that don't have jobs shouldn't be penalized."

During the news conference, lawmakers agreed it is likely caps on noneconomic damages will be challenged in the Illinois Supreme Court.

"We have taken very strong steps in this language to make this cap sustain constitutional challenges," said state Rep. John Bradley, D-Marion.

Bradley said the caps can clear a high court challenge by showing that there is necessary public policy need for the limits in malpractice cases.

The proposal also would increase the number of medical investigators working for the state's disciplinary board. The Department of Financial and Professional Regulation also would have greater authority to call for public hearings than in the previous year.

State Rep. Bob Flider, D-Mount Zion, is convinced the compromise will help keep doctors in the state.

"I do think that in the long run it will help us stem the tide of doctors who would leave because of high medical malpractice premiums," he said.

Other highlights:

-A physicians' profile Web site that provides five years of disciplinary information that patients can access.

-Allows doctors to say they're sorry and not have the statement used against them in court.

-Protects retired doctors working at free clinics from civil lawsuits.

-Makes insurance companies disclose actuarial data.