



Illinois Hospital Association

**Statement from Maryjane A. Wurth  
President, Illinois Hospital Association  
Re: Supreme Court ruling in *Lebron v. Gottlieb*  
February 4, 2010**

The Illinois Hospital Association is disappointed that the Illinois Supreme Court has struck down critically needed medical liability reforms that were improving health care access throughout the state and restoring predictability to our broken medical liability system.

In doing so, the Court has rejected the clear will of the people of Illinois who called upon their legislators to enact this fair and sensible landmark legislation. In 2005, the General Assembly determined that there was a real public health crisis driving physicians out of Illinois and making health care more expensive and less available. Accordingly, it enacted a bipartisan and comprehensive solution that included judicial reform, strengthened insurance regulation and improved physician discipline.

The hospital community is deeply concerned that this decision will renew the malpractice lawsuit crisis and make it more difficult for Illinoisans to access or afford health care as liability costs for physicians and hospitals are driven to unsustainable levels. Hospitals across the state will again face even greater challenges recruiting and retaining physicians, especially specialists such as neurosurgeons and obstetricians, who were leaving Illinois during the height of the crisis.

This decision and its dire repercussions for the health care delivery system highlight the critical need for the President and Congress to embrace serious and meaningful medical liability reform as part of health care reform. All plausible forms of medical liability reform, such as arbitration, specialized courts and early settlement offer approaches, should be explored as part of health reform. However, caps on medical liability damages in many states (33) across the country have already proven to be effective at reducing health care delivery costs. We call on the President and Congress to include this important cost-reducing solution to the federal health reform package.

---

### **Background**

IHA strongly supported this legislation to restore predictability to Illinois' broken liability system that drove costs for hospitals and physicians to unsustainable levels and jeopardized patients' access to health care. The legislation included:

- Caps on non-economic damages (\$500,000 for physicians; \$1 million for hospitals) – but NO limits on economic damages, such as future lost wages and all past, present and future medical costs;
- Structured awards to more efficiently provide for future medical care of injured plaintiffs and reduce medical liability costs (e.g., periodic payments such as annuities, rather than lump sum payments);
- Insurance regulations, including new data reporting to promote greater competition in the marketplace and to stabilize premiums;
- Strengthened physician disciplinary regulations;
- Expert witness standards;
- Apology protection.

The Illinois Hospital Association is an advocate for 200 Illinois hospitals and health systems. See IHA's web site at [www.ihatoday.org](http://www.ihatoday.org).