

Introduced by: Rashmi K. Chugh, MD, and Hythem P. Shadid, MD, Delegates,
for the DuPage County Medical Society

Subject: Health Courts in Illinois

1 Whereas, The Illinois Supreme Court has struck down in its entirety the state’s 2005
2 medical liability reform law, indicating that caps on non-economic damages are not a viable
3 solution to Illinois’ medical liability problems, and
4

5 Whereas, Existing Illinois State Medical Society policy calls for the Society to lead efforts
6 for the development of a pilot alternative to the current medical malpractice tort system, such as
7 the health court model, and
8

9 Whereas, This ISMS policy acknowledges that health courts represent an appealing
10 alternative for long-term reform that could eventually result in predictable justice for patients and
11 health care professionals alike, as well as a rapid resolution of claims and assessment of damages,
12 and
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14 Whereas, In his dissent to the Supreme Court ruling overturning Illinois’ medical liability
15 reform law Justice Lloyd Karmeier stressed that “...the legislature could, without violating
16 separation of powers principles, go so far as to abolish civil actions for medical malpractice
17 completely and replace them with a claims system comparable to the one it has established for
18 workers compensation,” and
19

20 Whereas, changing to a health court system for medical litigation will improve consistency,
21 efficiency, and fairness, fostering an environment that encourages the open communication
22 required to improve patient safety while reducing healthcare costs, and
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24 Whereas, ISMS needs a rallying cry with universal appeal to all physicians in the state - a
25 visible cause that can dramatically impact our membership, and
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27 Whereas, The time is ripe for significant reforms in healthcare, and
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29 Whereas, The health court cause could generate bipartisan appeal from Illinois’ citizens
30 during an upcoming election cycle where change remains on everyone’s mind, and
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32 Whereas, The federal government is looking for individual states to experiment with health
33 courts, and
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35 Whereas, A large, bipartisan group of experienced and seasoned national experts on health
36 care from all walks of life have embraced the concept of health courts as the only medical tort

1 reform that is likely to make a significant difference, as demonstrated by the leadership within
2 Common Good (www.commongood.org), therefore be it

3
4 Resolved, That the Illinois State Medical Society prepare an authoritative report – a “white
5 paper” – on health courts and how they could serve as an effective claims system for medical
6 litigation in Illinois, and be it further

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8 Resolved, That the Illinois State Medical Society seek to engage the American Medical
9 Association, specialty societies, the Illinois Hospital Association, and other stakeholders in a
10 collaborative and coalition-building campaign to promote the adoption of a health court system for
11 medical litigation in Illinois, and be it further

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13 Resolved, That the Illinois State Medical Society promptly convene a series of meetings
14 with the executive, legislative and judicial branches of Illinois state government to begin the
15 process of petitioning members of the Illinois delegations to the U. S. Congress and President
16 Obama to make Illinois a health court pilot project for the nation, and be it further

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18 Resolved, That the Illinois State Medical Society support and/or cause to be introduced in
19 the General Assembly legislation that will establish a health court system in the state for the
20 adjudication of medical liability issues.

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