

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

50th Legislative Day

5/12/2005

Speaker Hannig: "The hour of 12:30 having arrived, the House will be in order. Members will please be in their seats. Members and guests are asked to refrain from starting their laptops, to turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Robert James King with First Christian Church in Carmi. Pastor King is the guest of Representative Reis."

Pastor King: "Shall we pray. Almighty God, You are the creator of this world and everything in it. You are the great Jehovah who does not live in the temples made by the hands of men. You are the great I Am who gives us life and breath and everything else. And so, may we seek You and Your ways today. As You spoke to the prophet, Jeremiah, You also speak to us on this day. When Your word says, 'For I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call upon Me and come and pray to Me and I will listen to you. You will seek Me and find Me when you seek Me with all of your heart.' And so, Father, I pray over this Session. As I lift up these Representatives of Your people, my prayer is that we might all seek You, Oh God, with all of our hearts. May we seek You, first, as individual men and women. That we might repent of sin and be reconciled with You. That we might be people with hearts that desire to do Your divine will in all that we do and everything that we say today. That we might have Your strength from Your spirit to speak boldly the convictions

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that You have placed in our hearts. And that we all might be people of the truth in all that we say and do, whether it's in this great assembly meeting or in our private lives. Oh, God, may we seek You. Lord, may we seek You as a corporate body of leaders, truly seeking Your divine wisdom. For Your servant James wrote, 'The wisdom that comes from heaven is first of all, pure, then peace loving, considerate, submissive, full of mercy and good fruit, impartial and sincere.' Oh, God, may we seek You. Lord, may we seek the follow... to follow the example of leading others from the great shepherd, Jesus, Himself. Seeking to trust all men and women and to treat them with respect and equality. Seeking to touch those lives we serve with hearts of compassion, sensitivity to their many needs. Seeking to love each person unconditionally with a sincere desire to help those who are hurting emotionally, physically, mentally and socially. Seeking to display in our lives the sacrifice of self, in order that we might merit the trust that the people of this state has invested in this Body. Seeking to give a future to the hopeless, strength to those who are weak, joy to those hearts that are mourning, faith to those who have quit believing and direction to those who are wandering aimlessly. Oh God, may we seek You today. Lord, may we seek Your higher thoughts, standards and values of Your great kingdom, where humility is desired above the glory of self. Where service is given not demanded. Where grace is a finer commodity than prestige. Where purity of heart is sought after that

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above self gratification. Where love is superior to physical power and where people are more important than our own personal agendas. Oh, God, may we seek You. For our plans succeed not with man's schemes or his programs or his projects, but the real success takes place when we have Your almighty power, Your incredible wisdom and Your great providence over our land. So, indeed, Father, may we seek You with all of our hearts today. And I pray this all in the name of Jesus, my Lord and my Savior. Amen."

Speaker Hannig: "And we'll be led in the pledge today by Representative Millner.

Millner - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Hannig: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative McKeon is excused today."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Pihos and Jerry Mitchell are excused today."

Speaker Hannig: "Representative Sacia, for what reason do you rise?"

Sacia: "Point of personal privilege, Sir."

Speaker Hannig: "State your point."

Sacia: "Ladies and Gentlemen of the House, in the gallery and paging for us today are representatives of the Emmanuel

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Lutheran Church from Freeport, Illinois. If they would stand in the gallery and your Pages are all members of there and give them a Springfield welcome, it would be appreciated."

Speaker Hannig: "Mr. Clerk, take the record. There are 115 Members answering the Roll Call, a quorum is present. Representative Beiser, for what reason do you rise?"

Beiser: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Hannig: "State your point."

Beiser: "Yes, in the gallery today, I have three young ladies up visiting to take in first hand the legislative experience, Joy Rogers and her sister, Alyssa, Brittney Butler. Joy... Joy is a student at SIU-Edwardsville, a political science major. Alyssa and Brittney are middle school students. Please join me and welcome 'em. And thank you, ladies for coming up."

Speaker Hannig: "Mr. Clerk, would you read the Committee Reports?"

Clerk Mahoney: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 479, Senate Bill 574, Senate Bill 575; 'do pass as amended Short Debate' Senate Bill 383 and Senate Bill 768; 'recommends be adopted' Floor Amendment #4 to House Bill 2002. Representative Delgado, Chairperson from the Committee on Human Services, which the following measure/s

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was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 568, Senate Bill 1651; 'do pass as amended Short Debate' Senate Bill 506. Representative Burke, Chairperson from the Committee on Executive, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Standard Debate' Senate Bill 22, Senate Bill 327 and Senate Bill 406; 'do pass Short Debate' Senate Bill 288, Senate Bill 341 and Senate Bill 2087. Representative Saviano, Chairperson from the Committee on Registration & Regulation, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 538 and Senate Bill 1626; 'do pass as amended Short Debate' Senate Bill 1821 and Senate Bill 2012; 'recommends be adopted' Floor Amendment #1 to House Bill 3167. Representative Holbrook, Chairperson from the Committee on Environment & Energy, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 241. Representative Osterman, Chairperson from the Committee on Local Government, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 343, Senate Bill 465; 'do pass as amended Short Debate' Senate

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Bill 46 and Senate Bill 847. Representative Holbrook, Chairperson from the Committee on Environment & Energy, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 397, Senate Bill 1787, Senate Bill 2040; 'do pass as amended Short Debate' Senate Bill 250. Representative Soto, Chairperson from the Committee on Labor, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1750. Representative Lou Jones, Chairperson from the Committee on Appropriations-Public Safety, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3385, House Bill 3386, House Bill 3391, House Bill 3393, House Bill 3397, House Bill 3988, House Bill 3989, House Bill 3990, House Bill 3991 and House Bill 3992. Representative Franks, Chairperson from the Committee on State Government Administration, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 62. Representative Mendoza, Chairperson from the Committee on International Trade & Commerce, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1251.

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Representative Monique Davis, Chairperson from the Committee on Appropriations-General Services, which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3325, House Bill 3345, House Bill 3355, House Bill 3370, House Bill 3375, House Bill 3909, House Bill 3910, House Bill 3911, House Bill 3912 and House Bill 3913. Representative Miller, Chairperson from the Committee on Appropriations-Higher Education, which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'do pass Standard Debate' House Bill 3302, House Bill 3308, House Bill 3311, House Bill 3315, House Bill 3371, House Bill 3963, House Bill 3964, House Bill 3965, House Bill 3966 and House Bill 3972. Representative Molaro, Chairperson from the Committee on Judiciary II - Criminal Law, which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 102, Senate Bill 283, Senate Bill 1509, Senate Bill 1897, Senate Bill 1898; 'do pass as amended Short Debate' Senate Bill 1230, Senate Bill 1234 and Senate Bill 1943. Representative Reitz, Chairperson from the Committee on Revenue, which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1, Senate Bill 133, Senate Bill 485, Senate

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Bill 556, Senate Bill 557, Senate Bill 833, Senate Bill 1294, Senate Bill 1935 and Senate Bill 2054; 'do pass as amended Short Debate' Senate Bill 79, Senate Bill 309, Senate... and Senate Bill 1233. Representative Richard Bradley, Chairperson from the Committee on Personnel & Pensions, which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 49, Senate Bill 763, Senate Bill 1660. Representative Feigenholtz, Chairperson from the Committee on Appropriations-Human Services, which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3337, House Bill 3346, House Bill 3349, House Bill 3353, House Bill 3367, House Bill 3974, House Bill 3975, House Bill 3976, House Bill 3977 and House Bill 3978."

Speaker Hannig: "Representative Daniels, for what reason do you rise?"

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Every year now for... we were trying to figure out how many years it's been, but it's been going on to close to 30 years, my eldest daughter has visited us in here in Springfield. Those of you that have been before and met her remember that Laurie suffered brain damage shortly after birth and faced many, many challenges in her life, over six major surgeries, as well as the challenges in going through education and finding work. And fortunately

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for us, we found an organization called Bethshan. And we're proud to have with us today, Joe Lanenga and Jean Voss from Bethshan, if you'd say hello to them. Joe and Jean. They run a CILA program where Laurie now lives with three other adult women in Orland Park in Representative McCarthy's district. And I remember talking to her and saying, 'Now, be careful who you vote for.' And she said, 'All right, I will, Dad, I got it straight.' So, when she came out I said, 'Well, how'd you do?' She said, 'I voted for that McCarthy guy. He's a good guy.' Somehow, Kevin, you are a good guy, but I don't think she listened to my instructions on that one. But, Ladies and Gentlemen, I... I'm... couldn't be prouder of my eldest daughter. She's faced many obstacles every day of her life. She's doing great. She works everyday, 5 days a week and because of many of the programs that you have passed over the years, she is now a living example of that and living to her fullest potential. So, with that, I'd like to introduce you, once again, to my daughter, Laurie Daniels, Mr. Speaker, with your permission. Laurie."

Laurie Daniels: "Okay. I just wanna tell you how I feel about this nice time that I could get to know you guys more. And sometimes when I go shopping, these people in wheelchairs cannot see because not... it's not really... really helpful with people. We can't get through the doors. We can't because people and I use my wheelchair and sometimes I get bumped in many ways. Because people don't care about us in wheelchairs but you do, you do in a way. I just wanted to

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help us more in wheelchairs to... to be careful when they tell what do we do if somebody bumps into you and I... and I try but my chair goes, 'Come on you guys, you can't bump into the wheelchairs like that', especially in shopping malls and Walmart or anything. But we need your help to help us out for special needs and everything because you're my friends, you're my neighbors that God made you very nice people and that's how it's for. I'm not gonna put in bad words but you are a perfect people in God's form and... in the wheelchairs, too. To answer my question, please, because more people like in my house, we got one lady in a wheelchair who can't see and I try to help her. We need help because more people can't understand that we can live more... more work for wheelchairs. Please help us and I'm glad to have you around me. I'm glad to have everybody on this House Floor to help us that we can have a good homes and more people can live in more homes in special care for wheelchairs. And thank you very much for everything you do. And Christ will be with you guys, forever. Bye now."

Speaker Hannig: "On page 5 of the Calendar, under the Order of House Bills-Second Reading, is House Bill 4074. Mr. Clerk, would you read the Bill?"

Clerk Bolin: "House Bill 4074, the Bill's been read a second time, previously. No Amendments have been adopted to the Bill. Floor Amendment #2, offered by Representative Fritchey, has been approved for consideration. A Motion has been filed by Representative Black to..."

Speaker Hannig: "Representative Black on your Motion."

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Black: "Thank... Thank you very much, Mr. Speaker. First of all, prior to that inquiry, if I may make an inquiry of the Chair. If... if allowed under the House Rules, could the Speaker inquire as to the Sponsor of House Bill 4074, if it's his intent to call this Bill on Third Reading?"

Speaker Hannig: "Representative, it's always the prerogative of any Sponsor of the Bill to make that decision. I can't speak for Representative Holbrook."

Black: "Well, I... I would think the Senator Hol... excuse me, that Representative Holbrook should be given the opportunity to move his Bill to Third Reading."

Speaker Hannig: "Representative, I... I think you could ask that question in debate to someone."

Black: "All right."

Speaker Hannig: "You could ask him privately. But... the Chair cannot compel anyone to call their Bill, Representative Black."

Black: "I... I understand that, Mr. Speaker. And I do appreciate your indulgence, but House Bill 4074 is a very important piece of legislation. All of the Sponsors on this Bill are Democrats. Time grows short. The Bill needs to be moved and at the appropriate time I urge and I know I'm joined by many of my colleagues on both sides of the aisle, that Representative Holbrook be allowed to move his Bill to Third Reading without anymore delays, Amendments. And... you can believe any rumor you wanna hear around here, but the rumor is there may be 30 Amendments to this Bill. Which as far as I can see, accomplishes absolutely nothing but to

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delay an inevitable vote on House Bill 4074. And I was in hopes that we could have Representative Holbrook move the Bill to Third Reading today so that we could be able to even vote on it today or in... if... if that would not be the... the decision of the Chair, certainly to vote on it when we get back Tuesday. And... and I have talked to Representative Holbrook and will do so again. In the meantime, Mr. Speaker, again, I thank you for your indulgence. Under the appropriate House Rule, I have filed a written Motion to commit Floor Amendment #2 to House Bill 4074 to the House Judiciary-Civil Law Committee, where this Amendment can be discussed in great detail and at great length in the committee, witnesses can be called and a full and fair hearing on this Amendment can be, in fact, carried on in the proper committee which is where it should be heard. And witnesses be given an opportunity to testify. And I believe you have that Motion, Mr. Speaker, that we have filed in writing."

Speaker Hannig: "So, the Gentleman moves that the House recommit Floor Amendment #2 to committee. All in favor of the Gentleman's Motion should vote 'aye'; those opposed shall vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? On the Gentleman's Motion to recommit, have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 52 voting 'yes' and 61 voting 'no'. And the Motion fails. Now, on the Amendment... on the Amendment #2. Mr. Clerk, who... who's the Sponsor of Amendment #2?"

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Clerk Bolin: "Floor Amendment #2, offered by Representative Fritchey, has been approved for consideration."

Speaker Hannig: "So, Representative Fritchey on the Amendment."

Fritchey: "Thank you, Speaker, Members of the Body. I'd like to get some attention here. A lot of people have commented to me in the past couple of days with smiles and chuckles about this Amendment. And I don't think you'll be smiling or chuckling after we get done with the discussion. I... I'd like to start my comments with the respect that I have for the overwhelming number of people in the medical profession. Being a doctor is hard work. We have a lot of good doctors in this state. Because of good doctors, I have a healthy baby daughter. Because of good doctors, my mother is a 20-year cancer survivor. But we have some doctors that do some bad things, too. This Amendment is not about when a good doctor makes a sound, professional judgment that has an unfortunate result. That happens and the underlying Bill is one attempt to address those situations. I want to talk to you about a different story that doesn't involve a good doctor making a good, professional judgment. One of our colleagues across the aisle proudly showed off a photo of her granddaughter the other day. And God bless everybody that that child's alive and healthy. Several years ago, a woman went into Northwestern Hospital in Chicago. Upon review by her OB/GYN, it was determined that an emergency C-section was going to be performed. And as you may know, if you're gonna perform an emergency C-section, you need an

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anesthesiologist there. The OB/GYN paged the anesthesiologist who was on-duty and in the hospital. The page went unanswered. A condition is getting critical, a woman still needs an emergency C-section. The OB/GYN pages the anesthesiologist, again, who is on-duty and in the hospital. There's no answer to the pages. The situation's getting desperate. A pregnant woman that desperately needs an emergency C-section is required to undergo a vaginal delivery because the anesthesiologist who was on-duty and in the hospital didn't answer the pages. The baby was born. The baby had cerebral palsy. Baby will never have a chance at a full a life, not a full life but as fully life as that child could've had if the anesthesiologist who was on-duty and in the hospital, answered the page so that the emergency C-section could be performed. The punch line to this would be funny is it wasn't sad and true. The anesthesiologist who was on duty and in the hospital didn't answer the page because he was engaged, and this is the nurse's allegation, she was very much there, he was engaged in sexual intercourse with the nurse in the hospital, while he was on-duty and being paged to render medical services to a woman in critical need of an emergency Cesarean section. The... the overwhelming majority of my committee, of the Judiciary Committee, made it clear that they supported cap fund damages. Ladies and Gentlemen, when a good doctor makes a sound decision that has a tragic result, that's one thing. When you have a situation where a patient suffers injury because that patient does not get

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care because the physician was engaged in sexual intercourse while on-duty in the hospital, I don't think that we want to protect that doctor. I don't think that that is a point where we get to the point that we say, here's where we want caps. Yesterday, the Republican Leader and some of his colleagues had said that these three Amendments gut the underlying Bill. Maybe, I could agree with you as to the first Amendment, but if you believe and you could take a position that a narrowly drawn Amendment like this one guts the underlying Bill, I just don't get it. Ladies and Gentlemen, this is very straightforward. If a patient suffers injury, a woman, a man, an innocent unborn baby suffers injury because they don't get care because a physician was engaged, while on-duty in the hospital, in sexual intercourse and doesn't answer the page and doesn't tend to that patient and it has tragic results, all we're saying, those damages should not be capped. I'd be happy answer any..."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Thank you. Both on the Amendment and in response to Rep... my friend, Representative Black. It is my intention to move this Bill to Third Reading, as soon as I can. As soon as the notes have been filed and I can do that. That was my intention yesterday. I pulled it yesterday to prevent more Amendments to be attached to this or voted on. I, also, do not support this Amendment. It's tragic what

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happened. However, this Bill is what we've agreed is... is going to be the answer to our problems with our medical mal crisis. And I would opposed this Amendment and ask if it does get the number of votes for a verification. And I would hope that all of us would bare with us as we go through this process because I don't like it any more than anyone else does here. I'd just as soon vote on this Bill on final action. But, I think, people feel that they... they have to address many issues that are not addressed in this Bill and they're gonna do it in this open forum here on the floor. So with that, I... I would ask for a 'no' vote on Floor Amendment #2 and I would also ask for, formally, for a verification."

Speaker Turner: "The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner: "He indicates he will."

Bost: "Representative, and... and I sure... I'm sure it is with good intent that that you're trying to pass this piece of... this Amendment. But, how long ago did this tragedy that was described happen?"

Fritchey: "It was approximately 8½ years ago."

Bost: "So, it was 8½ years ago, that's correct?"

Fritchey: "Yes, Sir."

Bost: "Okay. If it was 8½ years ago, why are you waiting until we get this piece of legislation up to then try to add an Amendment to a piece of legislation that is vitally important to make sure that doctors remain in our state?"

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Fritchey: "Represent..."

Bost: "And... and..."

Fritchey: "I apologize."

Bost: "How can... how can... and forgive me but with..."

Fritchey: "No, please."

Bost: "...the amount... amount of games that've been played with this legislation, and... and the Sponsor, himself, said the concerns he has with this Amendment, why now?"

Fritchey: "The answer to that's very simple. There was no need for an Amendment like this. There was no cap law in Illinois until this proposal right now. So, there was no... there was no cap to raise... to raise the limit on at the time."

Bost: "Okay. What... in... in this particular case, the financial costs were calculated and they received compensation for that. Is that correct?"

Fritchey: "There was a settlement reached in the case, yes."

Bost: "Okay. Do you know the details of the settlement? Of which... which was... which parts were... which parts of this would've been affected by these caps and which wouldn't? And how much of a settlement did they receive for noneconomic damages and all of that?"

Fritchey: "I'm not aware and I don't think that the terms of the settlement would've been broken down into economic and noneconomic damages. In a settlement of this nature, basically, the parties would've agreed at a number which was... which both sides would've agreed to, was an appropriate number which to avoid going to a trial."

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Bost: "Well, my only concern is that possibly during the... the settlement that was going on, actual economic damages were extremely high. And under this legislation, we wouldn't cap those economic damages. So, if this violation which it... which was wrong, would occur, I... I believe that... that they can recoup a... the amount that is out there based on the economic damages."

Fritchey: "Well, I... I would submit to you that would've been difficult for any attorney to prove the full economic damages. All right, Rep... Representative, you and I disagree..."

Bost: "But... but attorneys do that all the time, John."

Fritchey: "If... if... if I may."

Bost: "All right."

Fritchey: "You and I have disagreed on a number of things over the years. I don't believe it diminishes our respect..."

Bost: "That's true."

Fritchey: "...either direction. And that's how this process should work. I'll be very clear. I do not believe, as a Legislator, as a father, that in this type of situation, there should be any type of limitation on damages; economic, noneconomic, otherwise. We have heard, repeatedly, that it is a few bad doctors causing problems for the majority of good doctors in this state. This man was a bad doctor, not only was he a bad doctor, he was a bad doctor that then fled the jurisdiction and still does not have a blemish to this day on his Illinois record. The previous administration chose not to pursue it. There was

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no suspension. There was no demarcation of his record. And he is now in another state. And my understanding, practicing in a state bordering Illinois. So, that's the disciplinary issue is another issue and I don't know if there is any discipline that is commensurate for what this gentleman did. But from a dollars and cents standpoint, for those of you that support caps even, I just don't know how one could answer to themselves, answer to their voters. I would say most of our voters in the districts, that most vehemently support caps, would still turn and step back and say, 'You know what, we support caps but in a case like this where my child is brain damaged because a doctor would not answer a page because he's having sexual intercourse while on-duty. No, there shouldn't be caps.' This gentleman does not deserve the protection of our laws, of our medical malpractice reforms or of our caps on damages."

Bost: "Mr. Speaker, to the Bill. Mr... Mr. Speaker, to the Bill. First off, once again, this Amendment, I feel, is like the other Amendments in the fact that it's been brought out after the fact. I don't think it was properly handled. Think we discussed that from our side of the aisle. The Sponsor of this Amendment said that... that as a father, he would hate to put any kind of restraints on there. As a father, I wouldn't want any restraints. As a Legislator, I don't want restraints on economic damages. However, as a father and as a Legislator, I also don't wanna see the continued costs to increase to the point that many of my

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constituents, many of your constituents, many of my family members, many of your family members could not receive any medical care based on the fact that we've put this stipulation and that stipulation. This is a Bill that..."

Speaker Turner: "You've exceeded your time, Representative. You wanna bring your remarks to a close?"

Bost: "Thank you, Mr. Speaker. I think this is a Bill that has been worked on. All parties have agreed, even the Sponsor, himself, agrees that it is in the form it needs to be without Amendments. I would encourage a 'no' or a 'present' vote on this. If this is an issue we need to come back to at a later date when we... when we... the Bill has already passed and then we need to address that in a different way, I'd support that. But the way that this is handled, I encourage a 'no' vote or a 'present' vote."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Turner: "He indicates he'll yield."

Stephens: "Representative, is the... the act of having sex while you're being paged a crime if you're being paged for surgery or some other life-threatening event?"

Fritchey: "I... I would believe there would be a violation of the standards under which he's licensed, yes."

Stephens: "Did you or anyone else bring charges against this said doctor?"

Fritchey: "I was... I was not aware of it at the time when it occurred, Representative."

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Stephens: "Okay. The... would you agree with me that this is an event that probably doesn't happen every day?"

Fritchey: "One would certainly hope not. But... this Amendment is to address those situations where it does happen. I believe you would agree with me that if it..."

Stephens: "I..."

Fritchey: "...happens one time, it's too many."

Stephens: "Thank you, Mr. Speaker. To the Bill. Ya know, for those of us that have been in highly-targeted campaigns, we know all about direct mail and how nasty it can get. When I saw this Amendment, I knew right away what it was. I've been around here for 20 years. I understand how politics works in Springfield and I was, again, amazed that the tactics that I believe this represent... this Amendment represent are being used again here on the House Floor. Brings up sad memories of days when we would stoop to any level to try to beat a Bill or beat a candidate. And I can see the direct mail pieces right now about, 'Well, you... you voted that's okay to be having... for a doctor to have sex while he's supposed to be in the operating room.' That's not the issue before us today, Ladies and Gentlemen. I'm telling you that the issue before us today is that we don't have those anesthesiologists and those OB doctors to deliver any babies in certain parts of this state. My district is affected. One of my neighbors, delivering babies in Greenville was something that he loved to do. He was from Bond County. He loved his work. A hundred sixty thousand dollar increase in his medical malpractice

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premiums caused my neighbor, Dr. Kendall Stevens to lift up his practice, take the much needed service to the State of Indiana where they understand that medical malpractice reform is fair, it's honorable and it lets us provide the medical services that are so direly needed. So much indeed, in places like Bond County and Greenville. Hundred and sixty thousand dollar increase, he has no reason to tell me otherwise that... that anything but the truth. But, now he's practicing in Indiana, giving great care. The families there love him, I'm sure, like we all did. Eight thousand dollar, premium, eight thousand dollar premium, compared to one hundred and sixty. I was talking to a Democrat Leader this morning and I said, 'What are you guys doing with this issue? I don't get it. What is the game plan?' Somebody on the House... on the Democrat side said, 'There's no game plan. This is not part of a conspiracy.' I'll tell you that I believe otherwise. This Democrat Leader told me this morning, 'Ron, I can go back and I can say I voted against all those trial lawyer Amendments. I don't care if they put 700 of 'em up, I can vote all those times against the trial lawyers. Hey, doc, I'm with ya.' And he says, 'Then I can just turn to the docs and say, ya know what, I did what I could, I did what I could.' This is a charade, Ladies and Gentlemen. Amendments like this are nothing more than sheer politics. We have to address each one of these Amendments. I would encourage the... the Sponsor to talk to each of these unfriendly Amendment Sponsors and ask them to... to set aside their political

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agenda for awhile. Ya know, if the Trial Lawyers can't take a defeat or if they so much influence, as I might suspect, that they're going to railroad the process again, we're going to be left with nothing in the arena... in nothing of a effect for medical malpractice reform because you're treating it like another political issue. And that's not what it is. This is the most legitimate, needed legislation that I've seen in my... recent years. Doctors are leaving and people are suffering for it. And we can't wait any longer. If you think you're gonna go back in the 2006 elections and be able to wave stuff like this up and say..."

Speaker Turner: "Bring your remarks to a close, please."

Stephens: "I'm here to tell ya, you will not get away with these political games. That's all this is and you will not get away for it... with it. You will pay a price in the elections to follow and that's the way it should be. If you wanna see how bad you're gonna be beat for not delivering medical malpractice reform, look at the Judge Karmeier, it was the only issue of the race. The people demand the truth. They need to know that you're on their side and that you're not playing political games."

Speaker Turner: "Thank you. For the future speakers, I'm going to set the timer for 5 minutes. At the 4-minute mark, I will tell you you've got 1 minute left and we're not going to go five-plus the extension. So, we will end the debate at 5 minutes. You'll get a warning at the 4-minute mark that you got one minute to bring your remarks to a close."

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The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

Rose: "Mr. Speaker, for two purposes. I have a parliamentary inquiry and then I'd like to make a... ask some questions of the Sponsor of the Bill."

Speaker Turner: "State your inquiry."

Rose: "Inquiry is, there was a statement made earlier urging people to vote either 'present' or 'no' and it's my belief that a... that on... the rules are different for Floor Amendments, that it's a majority of those voting to pass... to attach the Amendment as opposed to a majority of the House. Is that accurate?"

Speaker Turner: "That is absolutely correct."

Rose: "Thank you. May I inquire of the Sponsor?"

Speaker Turner: "You may."

Rose: "Representative Fritchey, you and I both serve on Judiciary I. In fact, you're the Chairman of that committee, correct?"

Fritchey: "Yes, Sir."

Rose: "When did you become aware of this... this case that brought this Amendment forward?"

Fritchey: "I've been aware of the case for probably in excess of a year or two."

Rose: "Yet, we started having hearings in January on medical malpractice, correct?"

Fritchey: "That's correct."

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Rose: "Under your leadership as chairman of that committee, how many committee hearings have we had on medical malpractice? Specific hearings on just that subject."

Fritchey: "I would believe in excess of half a dozen."

Rose: "Half a dozen, four to five hours a piece, correct?"

Fritchey: "Three to four hours a piece."

Rose: "Okay. To the Bill, Ladies and Gentlemen. This is my point. Not one time, in all those hearings for the last several months, did this topic come up for conversation or debate. Not once did this case come forward and was the Judiciary Committee who was specifically charged with medical malpractice, have an opportunity to discuss this specific scenario. Not once in all those months. Not once. Yet, out of nowhere comes this Amendment. And the Sponsor who's Chairman of the Judiciary Committee admits he's known about it for a year or two, but it didn't come before the specific committee. You know what, Ladies and Gentlemen, I actually kind of enjoy this. I enjoy the fact that the entire Body, not just our little Judiciary I subcommittee, or excuse me, Judiciary I Committee, is given the opportunity to talk about medical malpractice, but rather they're referring these things right to the floor and giving us up or down. Let's have a Committee of the Whole. Two years ago, as a freshman we had a Committee of the Whole of Education. The fact that my district is losing obstetricians left and right, the fact that there are whole counties in downstate Illinois without obstetricians is certainly as important a topic. If we're

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gonna do this fair, let's do it right. Let's have a Committee of the Whole. Let's have panelists come in and let's people... But as a Body, let's ask the questions of the es... experts so that we can be informed as Legislators. Instead, what we have is a process where half a dozen Legislators sat in a committee in what they thought was a legitimate process over the last 4 months. Yet, out of nowhere comes this Amendment, not once discussed. I'll be voting 'no' today because of that."

Speaker Turner: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "If I can address that comment."

Speaker Turner: "Was it a question, Representative?"

Fritchey: "There... there... there was... there was an issue raised and... to the previous speaker..."

Speaker Turner: "There was no question, Representative."

Fritchey: "...this, this..."

Speaker Turner: "You'll have to wait. No, Represen... You're not recognized for that purpose. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Amendment. I've great respect for the Gentleman that brings forth this Amendment. He was very helpful to me in committee the other day. Pointed out a serious flaw in a Bill that I had brought to a committee and he was absolutely right. And as a result of his inquiry, I have filed the requisite Amendment and

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hopefully we'll get that Bill straightened out. So, my comments are not directed or meant in any way to be personal against a Gentleman who I consider to be a friend. But Ladies and Gentlemen of the House, as Representative Rose, I think, so eloquently stated, this Amendment could have been taken to committee. This Amendment could've been brought up through the months of public hearings. And all I would ask you to stop and think, Ladies and Gentlemen, in the history of malpractice awards, how many cases do you think have been brought because a doctor may have been having sex in a hospital or a medical facility? Now, may've been having sex with a spouse. May've been having sex with a consenting adult, as somebody pointed out awhile ago. That's not a crime. I agree with the Speaker, this may be the all... the Sponsor of this Amendment, this may be the only such case in the history of malpractice and once is too many. But Ladies and Gentlemen of the House, I will join with any of you in here to sponsor legislation to go to the Department of Professional Regulation and make such negligent conduct sanctionable, not criminalize it, but sanction that physician. That's where we should be focusing on that individual who may or may not have committed an extremely negligent and careless act. Don't lump all physicians in the State of Illinois under this kind of an umbrella Amendment. There's nothing to be gained by this. And I thou... I think as the Sponsor indicated and if I'm misrepresenting his answer, my apologies. Whether or not there were caps at the time of

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this alleged incident is moot. The jury verdict is sealed, \$36 million verdict. We don't know how much of that was a noneconomic loss. How much of it was an economic loss. But this negligent behavior by this physician resulted in a \$36 million verdict. And I dare say that verdict would not have been reduced by one dollar had there been caps in place at the time at this alleged incident. The facts before us are simple. We have a Bill with the primary Sponsors are Democrats and it's in a form that six Democrats voted for in committee and six Republicans voted for in committee. It is ready to move to the Senate where I'm sure they may want to take a long look at this if we give them that opportunity as time grows short. There is nothing, I agree with what the speaker said earlier, there is nothing funny about this Amendment at all. There should be no snickers. There should be no laughter. There should be no rolling of the eyes. But if this kind of behavior happened once, once is too much. Once is far too many times to have resulted in what allegedly resulted, but we can handle that. We can handle it through legislation aimed at that offending doctor's licensure. That's the way to do it. Get... attack the bad apples. Don't do an umbrella Amendment that slows down the process and obfuscates the issue at hand which is a reform of the medical malpractice laws in this state. This is not precedent setting. We join an ever growing number of states who have done so. Missouri just less than a month ago. It is time to move to Representative Holbrook's Bill. And if you're outraged as

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I am about this Amendment, I will join with any of you on legislation aimed at going after an... any offending physician through the Board of Profession Regulation and attack that physician's licensure, suspension, permanent revocation, whatever the case may be. That's the way to get at this problem. Not with this blanket Amendment thrown in at the last possible moment to delay the process, the inevitable process of voting on House Bill 4074. I urge a 'no' vote on the Amendment, a 'no' vote on any subsequent Amendments..."

Speaker Turner: "The Gentleman from Rock Island, Representative Verschoore, for what reason do you rise?"

Verschoore: "Thank you, Mr. Speaker. Point of information. A little on the lighter side here, I'd like to let everyone in the chambers know that my seatmate, Jack McGuire's birthday today. He's a young, 19... 72. He could run circles around half of us. But I... I'd like everybody to join me in wishing him a happy birthday."

Speaker Turner: "Happy birthday, Jack. Representative Verschoore."

Verschoore: "There's also cake down there that if we can get someone to cut that up we'll... have cake. Thanks."

Speaker Turner: "The Lady from Cook, Representative Lyons, E., for what reason do you rise?"

Lyons, E.: "Thank you, Mr. Speaker. To the Amendment."

Speaker Turner: "To the Amendment."

Lyons, E.: "With all due respect to the Sponsor of the Amendment, as a woman and as a Legislator I am highly

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insulted by this Amendment. The behavior included in this Amendment is already covered by law and this is the ugly epitome of political maneuvering. The Sponsor conveys an emotional story, an emotional case, pulls at our heartstrings and expects us to support this despite the fact it's already covered by law. Why single out sexual intercourse when other acts are just as negligent, such as using drugs, being drunk, playing video games, you name it. Where does it end? Will a doctor be accused of being negligent if he or she uses a restroom for too long? We should not use this critically needed legislation to address a single, negligent incident which was already covered by law and with which the largest medical malpractice was granted. I'm insulted because what this Sponsor expects is that we will... they're daring us to not vote for this Amendment because it has the compassion and political appeal to the public that we would dare not vote for this. But I urge my colleagues to do that, vote for this Amendment because it is a political maneuver. This is a dare to Legislators to not vote against despite the false compassion it elicits. I do ask my colleagues to vote 'no'."

Speaker Turner: "The Lady from Cook, Representative Flowers, for what reason do you rise?"

Flowers: "Thank you, Mr. Speaker and Ladies and Gentle... To the Amendment. I wanna say to the previous speakers that for years I've tried to introduce legislation and the last one was House Bill 252, dealing with medical errors and adverse

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reactions. And each time, each of you who just said that if such a Bill will come before you, you would vote for it, instead you voted against it. A patient goes to the hospital and instead of receivin' help, this particular family that the Sponsor of this legislation is talkin' about, instead of receiving help, her baby was born with some problems because a doctor violated his Hippocratic Oath to do no harm. And yet, each of you said that if a doctor did such a thing, his license should be taken away. But our Department of Professional Regulations did not take away that doctor's license instead, instead he is practicing freely in another state. But in the meantime, this mother, this mother who was given a mere, as it was quoted, a mere \$36 million, \$36 million for what? That... that is nothing compared to the birth of a healthy, beautiful baby. And with this legislation, with House Bill 4074, if this Amendment is adopted and the Bill as it stand, that mother would not have been able to get anything. That doctor's assets would have been protected under this legislation had it occurred 8 years ago. Had this Bill been out 8 years ago, that mother would not have been able to get anything for the sake of her child. We must remember that we are here to protect the people of the State of Illinois. This mother and this baby had every right to be born in an environment where he or she would not have to suffer and have economic damages, as well as noneconomic damages and there are certain things you cannot put a price on. And in regards to the doctors and the

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insurance companies, the insurance companies that opened their business knew that they were taking on a risk when they ask you and I to pay into their particular funds. The doctors who chose to go to school also knew that just like you and I have to have insurance for our homes and our cars, they must have insurance for their business like any other business. Why should the people of the State of Illinois be paying for the insurance companies risky business and the doctors' bad behaviors? That's not what we should be about. That's not the message that we should send and I'm not gonna vote for this Amendment because there... I will bring my Amendment back that says all doctors profiling. Let the people have the Patients' Bill of Rights so we can see what the doctors have been doing. So, we can choose if we want to go to that doctor or not. And so, the Department of Professional Regulations can keep account of how many medical errors there has been in adverse reactions because right now, there is no count. You know about how many because of the... all of the medical malpractice that you say that's out there. So, you know as a result of those many malpractices some doctors must have done that much harm. And if not allowed to go to court, that's my civil rights, I should be able to go to court. And if it's frivolous, vote it down, put it out. But if not, pay me what you owe. And you could never give me enough for the life of my child, for the limb or the misrepresentation or wrong test or something to that effect. Ask Molly Akers, she could never, ever get her

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original breast back because of a medical error. And it didn't start in the doctor's office. It started in a lab. Someone misread the lab. We need to investigate how did the problem occur, but with medical malpractice we don't have to investigate the reason why the problem occur and what we could do to rectify it to make sure it doesn't happen to anyone else. This is a bad Bill. This is a bad Amendment. Thank you very much."

Speaker Turner: "Representative Flowers, you've got 13 seconds. The Gentleman from..."

Flowers: "You can have it, Mr. Speaker. Thank you."

Speaker Turner: "Thank you. The Gentleman from DuPage, Representative Hultgren, for what reason do you rise?"

Hultgren: "To the Amendment, Mr. Speaker."

Speaker Turner: "To the Amendment."

Hultgren: "Ladies and Gentlemen of the House, I have great respect for the Sponsor of this Amendment. I, also, have great respect for the Sponsor of the underlying Bill. I wanna just take a moment to thank each and every Member of the Judiciary-Civil Law Committee, once again, who've spent dozens and dozens of hours studying, debating, getting information on this issue, this crisis that we have in Illinois, where literally, thousands and thousands of people are going without adequate medical care, access to doctors. I wanna thank that committee for their opportu... the opportunity to be able to hear that. I wanna thank the chairman of the that committee for how fair he's been through that process. And what I wanna talk about here for

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just the next couple of minutes that I have, is process. I'm so disappointed with how this process is being handled today and yesterday. I guess I shouldn't be surprised when politics comes in to play on these things. When we've had every single opportunity in the world to bring up issues in these committee hearings. We, as the Republican side, have longed to have more opportunities, more committee hearings, get as much information as we can. Let's lay the Bills out. Let's lay the issues out. Let's debate them in committee where we've studied them. Instead, we're going around that process and forcing us here on the floor, many of you, again, I appreciate the time you're taking right now, but many of you've not had the chance, you've been working on other legislation, have not spent the time in committees that we have. And I think it's a shame of what's being done on... on this. Can I have some order, please. I think it is a shame and it really is a disgrace to our committee structure, to the time that I have spent and every single Member of that committee has spent, people driving days early, staying days late, meeting around the state on this issue, being very open. And again, I think, even though I'm so frustrated on how this is being handled, I'm voting 'no' because of the process, how this is being circumvented. Whatever the issue is, you should vote 'no' on this. This is the wrong way to handle this. We had an opportunity in committee and what frustrates me is every single one of these Amendments that's been before us is brought by Members of my committee that I'm spokesperson

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on, Members who have been very vocal on other issues, ask questions and yet, none of things have been brought up in committee where they've had an opportunity to do it. Ladies and Gentlemen, I wanna ask you, again, this is with a Floor Amendment it's a little bit different, either just a 'yes' or 'no' vote is all that counts on this. And some of you have a difficult time on this. I wanna ask for a 'no' vote for the valuing of the process. We have spent many, many hours and are available right now, I would be happy to stay over the weekend as a committee to work on this. I think other Members of our committee wouldn't want to do that, but would willing to do it for the good of the people of Illinois. The real victims in this state, those who are going without health care. Many of you weren't in committee yesterday, but I wanna tell ya something we heard yesterday. In Alton, Illinois we had a director of a hospital that came and spoke to us. He said that if you or your daughter wanted to get in to see an OB or GYN doctor in Alton, Illinois, you would have to wait to get an appointment 'til the end of June of 2006. The end of June of 2006 to even get in for an appointment with the doctor. Ladies and Gentlemen, that are... those are the victims in this state. Those are the victims we need to be aware of. People who are going without medical care. People who are dying because they don't have neurosurgeons in their county that can handle their situation. We as a committee have been very open to every single issue instead, our committee is being circumvented. You are being forced to address

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issues that you have not been given full information on and that's unfortunate. I wanna ask, again, commend the Sponsor of the Bill. Representative Holbrook, thank you for your work on this. I wanna just encourage you, again. I wrote you a letter today, to call this Bill on Third Reading. Every day we delay, and I tell ya, we could delay a lot of days. There's a lot of horrible situations like the one being brought up here. We can address those. And I respect Representative Black for what he said. We can address those. And I am more than willing to sit down and address egregious behavior and make sure it never happens again, do everything we can so that doesn't happen again. But let's not keep medical care from the people of Illinois a day longer. Representative Holbrook, please call your Bill on Third Reading. Ladies and Gentlemen, let's say 'no' to this delay of the process. Please vote 'no' on this Amendment."

Speaker Turner: "The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker. Ladies and Gentleman... I rise in support of the Gentleman's Amendment. And I find the level of debate today to be not in keeping with the bright people we have on the floor of the Illinois House of Representatives. We've heard a lot about process. We heard a lot about process yesterday. We heard about circumventing the system. We heard about circumventing the system yesterday. We've heard about the problems with finding doctors in various places in Illinois which we all

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acknowledge. But I've heard very little about the Gentleman's Amendment. Does anyone have any thing to say about the Gentleman's Amendment? Do any of you who are opposed to his Amendment have any thing to say about the substance of the Gentleman's Amendment? If we have 50 more speakers opposed to it, 50 more people will say anything but something about the Gentleman's Amendment. I thought we came to the House Floor to debate the Gentleman's Amendment. And yet, no one wants to debate the Gentleman's Amendment. So, let me say something about the Gentleman's Amendment. Mr. Fritchey has laid out a specific situation. It happens. There are cases involving this specific situation. In fact, there's a TV show, a new show called Grey's Anatomy where this exact situation happened on national television. A fictional account perhaps, but it mirrors real life. This is a situation that happens in real life. So, for those of you who don't wanna do anything but have the original cap Bill, that's fine. But if you wanna vote 'no' and say publicly that you think it's okay for the doctor to be missing from the surgery because he's having some extra curricular activity at the hospital at a time where he's supposed to be in a different place, then you can do that. But understand what you're saying. People back home don't know what you're saying. They think you're opposed to, in essence, punishing a doctor for not being where he's supposed to be. If you think it's okay that patients die or patients are injured or patients' situations are worsened because of a doctor's doing

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something, some other location in the hospital and not responding to pages and not showing up where he's supposed to show up, well, you can go ahead and do that. But you're not going to be helping your doctors any and you're certainly not going to be helping the people who elected us any. Those are the people that go to these doctors, that are waiting on the operating table, that are waiting in the emergency rooms. So, I'm here to talk about the Gentleman's Amendment and I challenge the rest of you who are about to speak about the Gentleman's Amendment to speak about what the Amendment says. We've made lots of speeches about process, lots of speeches about caps, lots of speeches about what should and shouldn't be on the floor, but this Gentleman's Amendment is on the floor right now today. How about if some of you have the intestinal fortitude to actually talk about the substance of the Gentleman's Amendment."

Speaker Turner: "The Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Mulligan: "Representative Fritchey, I've worked with you on a lot of issues. And I had my light on, then I turned it off because I thought a lot of points had been made but the last speaker just talked... wanted people to talk about the Amendment. And that's what I was going to talk about. I certainly respect a lot of things and you and I have worked on things together, so lot's of times we come together on

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issues. This particular Amendment specifies one situation in a Bill that will be much more encompassing. I can understand your outrage over this particular situation, but certainly the settlement for that situation and the fact that it was 8 years ago, takes it... makes it removed from what we're currently trying to do or what Representative Holbrook is trying to do with the Bill. So, what's the point of bringing this up except to show your outrage, again perhaps, over this particular situation. It certainly doesn't define a classic definition of negligence across the board that would do anything for the Bill except make it not as good a Bill as it was without it."

Fritchey: "Representative, despite what some of your colleagues would have this Body and the people of this state believe, this was not an isolated incident. We have one specific case, one specific verdict. The Department of Professional Regulations will tell you that they have numerous instances of this happening. I don't understand your position that this takes a good Bill and makes it worse. I believe it takes a Bill that some people agree with and some people don't and further defines it. Caps are like shoes, one size does not fit all. There may well be a situation in which caps apply. If a baby is brain damaged because a doctor is committing the acts set forth in this Amendment, I don't believe caps should apply. I'm being accused of political gamesmanship. This was not a Democrat baby, it was not a Republican baby, it was a baby born in the State of Illinois that has cerebral palsy because a doctor was

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too busy having intercourse in hospital while on duty to answer his page. I don't care if it was his wife, his spouse, a nurse, a stranger. A baby was damaged because of this. A doctor in that situation, whether it's downstate, in Chicago, in Jo Daviess County, I don't care where it happens. That doctor should not have the protection of caps. That is what this Amendment does, nothing more, nothing less. It's not a vote on process. It's not a vote on mail pieces. It's not a vote on politics. It's a vote on what conduct we are willing to condone and what conduct we will not."

Mulligan: "Well, Representative, I can see that you're very impassioned about your Amendment and this particular Amendment. But one of my colleagues on this side of the aisle who was in committee asked you the question, and I think it's more pertinent now after you're impassioned discussion of the Amendment. If this Amendment is so important to you, why did you not bring it up in the course of the discussions that've been had in the committee, and apply it when it could've been voted on in committee? Why do you just bring it to the floor now as an afterthought, rather than the impassioned plea that you wanted to make, which first would've gone in committee and then perhaps to the House Floor? Or as a separate Bill?"

Fritchey: "Representative, with all due respect to the Gentleman from Urbana, this fact pattern was, in fact, discussed during the committee hearings. House Bill 4074 was not my creation. I did not vote for it in committee.

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I did not know if it was going to come out of committee. It has come out of committee. It is before this Body. I'm within my rights as a Member to say I have an idea on how to take a piece of legislation and make it better. You have that right, I have that right, we can do it with any Bill. On this Bill, I have an Amendment. I'm happy it came out of Rules. I think it makes the Bill better. I think if people say... and stop and take a look at what they're voting on and say, 'You know what, maybe I support caps, but not in this case.' That's what this Amendment does."

Mulligan: "So, if this Amendment fails, are you willing to support the Bill without it?"

Fritchey: "I want to see what the Bill looks like on Third Reading. I said that at the time, I say it now."

Mulligan: "All right. So, that answer isn't a 'yes'. It's obviously a 'no' or you're waiting to see. But obviously, this Amendment wasn't important enough to you to bring it as a separate Bill and that's too bad because I think that would've been more appropriate than the way you're doing it."

Fritchey: "Well, Representative, procedurally, you couldn't bring this as a separate Bill because you'd be seeking to modify legislation that doesn't exist yet."

Speaker Turner: "Bring your remarks to a close, Representative."

Mulligan: "That's fine, Mr. Speaker, thank you. I think I've made the point that I chose to make."

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Speaker Turner: "The Gentleman from Cook, Representative Fritchey, to close."

Fritchey: "There... there's a lot I wanna say and ironically, I don't wanna get in... engaged in to the gamesmanship that I'm being accused of playing. I've got a very simple Amendment that involves what we are prepared to do if a patient becomes a victim because a doctor is engaged in intercourse while on duty and that's as a proximate result of that, the patient's injured. Ladies and Gentlemen, there's nothing in here about the process. There's nothing in here about mail pieces. As I said before, caps are not one size fits all. I'm firmly convinced that you are going to have a Bill to vote on on Third Reading that has caps in it. I think that... I think that there are situations in which caps shouldn't apply. I think there is a mother with an 8 year old child with cerebral palsy that believes there's situations in which caps don't apply. I think that each and every one of us would be very hard pressed to go to one of our constituents, to go to one of our loved ones who was a victim in this situation and tell them that their recovery should be limited, that Illinois doesn't believe that one size fits all. This Amendment is not gonna force doctors out of Illinois. This Amendment is not going to make trial lawyers rich. This Amendment may well deter some very, very egregious conduct by doctors. Folks, if you don't wanna play politics, don't play politics. Don't get caught up in the big picture. Look at what this simple six-line Amendment does and please vote 'aye'. Thank you.

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Speaker, I request a verification of the 'no' votes, as well. Thank you."

Speaker Turner: "That request was made by Representative Holbrook earlier in the debate. Oh, a request of the 'no' votes? Okay. The question is, 'Shall Floor Amendment #2 to House Bill 4074 pass?' It should be... be adopted? We wanna remind the Members that a verification has been requested, so each Member should vote his own switch. The Clerk shall open the roll. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait. The Clerk shall take the record. On this question, there are 50 voting 'aye', 63 voting 'no', 0 'presents'. Therefore, there's been a request for the negative verifications. With that, Representative Fritchey... the Gentleman withdraws his request. This Bill not having received... this Amendment, not having received the Constitutional Majority, is not adopted. Further Amendments."

Clerk Bolin: "Floor Amendment #3, offered by Representative Hamos."

Speaker Turner: "The Lady from Kankakee, Representative Dugan, for what reason do you rise?"

Dugan: "Point of personal privilege."

Speaker Turner: "State your point."

Dugan: "Thank you, Speaker, Members of the House. I would like... all of us today, I have our heroes here, the fire departments. We did have the fire memorial. And I would just like you to welcome Fire Chief Ron Young and other

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members of the City of Kankakee's Fire Department from my district. They're over here up in the balcony. Thank you very much. Welcome to Springfield."

Speaker Turner: "The Gentleman from Hol... the Gentleman from St. Clair, Representative Holbrook, for what reason... The Lady from Cook, Representative Hamos, on Amendment #3."

Hamos: "Thank you, Mr. Speaker and Ladies and Gentleman. This Amendment has nothing whatsoever to do with caps. This Amendment has to do with something that came up frequently in the last debate on Amendment #2, that has to do with disciplinary action. This Amendment simply says that if the medical disciplinary board finds that a doctor has committed a total of three or more violations of one of the grounds, and I'll talk about that in a minute, then the basically the department must refuse to issue a license to that doctor or must revoke that license. This is basically a three-strikes-you're-out provision for the relatively few, but very important subset of doctors, who should not be practicing medicine. Now, under the current law, there are, I believe, 35 separate grounds for situations in which a doctor may be disciplined. This applies to only one of those grounds. That's item four and item four relates only to gross negligence. So, what we're saying here is that if a doctor has committed three separate acts of gross negligence then the medical disciplinary board should revoke the license. I think this is basic... simple, a simple concept. It's basic public policy. It stands on its merit and has nothing to do with the previous

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conversation about the... the high cost of medical malpractice premiums except to say that if there are bad doctors practicing out there who are causing medical malpractice cases to be filed, they should be disciplined and their license should be revoked. I'm ready for questions."

Speaker Turner: "The Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Thank you, Speaker. I oppo... and I would also ask for a verification if it gets the proper or the... enough votes... sufficient votes to pass."

Speaker Turner: "The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. For the same reason as before, to the Bill and..."

Speaker Turner: "To..."

Bost: "To... to the Amendment. Once again, any Amendments being tried to put on this Bill, obviously, the Sponsor he's opposed to that. Let's go ahead, let's... let's vote 'no' on this. Let's stop these games. Let's move the actual Bill. Actually, what this Bill does is, is that or this Amendment does is right now if the review board decides after one violation that they can throw you out, they can do that. They can pull your license. This says, okay, now you gotta have three. But, it still boils down to the same thing. These three Amendments are being try... trying to slow the process down. Let's get this... this Bill moved to Third Reading, clean and ready to go as it was approved out of

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committee. Let's stop these games and let's go ahead and vote it onto Third and then send it over to the Senate and let's get something done on this issue."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "Thank you, Mr. Speaker. I don't believe that anything in any of these Amendments should be... the votes on any of these three Amendments should be... in any way a reflection about the issue. Any one of the three issues, we could address at any other time. The Gentleman has stood up and said that he wants his Bill voted on in the form that he brought it to the chamber after it went through the proper channels, was heard in committee, aired out. We had all of the chance to have witnesses there. We have none of the availability and opportunity for that here. It's not about the issue, Representative. It is the fact that you're trying to put it on an Amendment... put an Amendment on a Bill that you have many other avenues and we would wanna work with you if that's... if this is something you wanna pursue. I've never seen this issue come up before. I... I don't know... I don't know where it came from in the... in the hours after the committee met yesterday. But I, again, think this is more to do about politics, nothing to do with the issue. And I think that the votes that are being cast today on these Amendments are about the process and about making a Sponsor... allowing a Sponsor to have a Bill in the form that he wants it and has nothing to do with the issues. And that's not the way... I believe the

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public's going to see that and that's not the way we're going to be judged. We'll be judged fairly because everybody understands what's going on here. Everybody understands that the trial lawyers' last gasp is to try to attach unfriendly Amendments, put it in a form, they'll create some sort of controversy, slow the Bill down. That's not what this is about. This is about medical malpractice reform. We should get a vote on 4074 and the Senate should get that vote in the same form that the sponsors want it in."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will... she will."

Black: "Representative, have you today or at any time talked to the Sponsor of House Bill 4074 about your Amendment?"

Hamos: "No, not directly."

Black: "You have not talked to the Sponsor who's a Member of your party, who sits less than 50 feet from you and you have not bothered to talk the Sponsor today or any other time about your Amendment?"

Hamos: "Yeah, that's what I stated."

Black: "Yeah, so much for legislative courtesy. Representative, do you have a definition of 'gross negligence'?"

Hamos: "Well, I don't have a definition of 'gross negligence', but I'm positive that the medical disciplinary board and

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the doctors do because there's a specific section in the state law that says that the department shall adopt rules which set forth standards to be used in determining. And then number 'D' is what constitutes gross negligence in the practice of medicine. And I hope to God that the medical disciplinary board has publicized that. And I further hope to God that the doctors know what it is."

Black: "Representative, in all due respect to you, there is no definition. It is listed in the underlying Medical Disciplinary Act as, and I quote, 'gross negligence in practice under this Act.' Ladies and Gentlemen of the House, if you wanna read about the existing laws on physicians, there are 46... Mr. Speaker, I'd like a little order in chamber. There are 46 actions for which a physician's license can be revoked under current Illinois law. And one of those actions is and I quote from the existing law, 'gross negligence in practice under this Act.' So, here we have a law, a law on the books that allows a revocation for one violation, one. And now you're being asked to vote for an Amendment that says, 'Well, now you can have three.' Is this getting tough on doctors or is it getting easier on doctors? You can't have it both ways. Existing law says revocation is available for one proven action of gross negligence and 45 other actions. And now you're being asked to vote on say, 'Oh no, not one but three, three actions of gross negligence and you'll lose your license.' Why would you wanna go to three when the law already says one? Ladies and Gentlemen of the

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House, under Representative Holbrook's Bill 4074, there is already language that both sides of the aisle have put in. There are enhanced penalties for physician's who violate the Act. There are enhanced financial penalties. There are enhanced investigatory powers to go after bad doctors. The underlying Bill already has some strong language on punishment in the Bill. And the existing law says revocation is possible for one act of gross negligence. I'm not going to get up here and suddenly vote to say, 'Well, whatever the existing law says, I'm gonna give you three, three strikes of gross negligence and you're out.' One is enough. The underlying Bill goes after investigatory powers that will allow us to go after bad doctors and not paint all doctors with the same brush. I urge a 'no' vote on this Amendment."

Speaker Turner: "Representative Hamos, only if he asked you a question. I don't think he asked a question."

Hamos: "Said to me, will the Sponsor yield. I just assumed that he was asking questions and I do have an answer."

Speaker Turner: "He wasn't... he wasn't... he wasn't, Madam. The Gentleman from DuPage, Representative Myers (sic-Meyer), for what reason do you rise?"

Meyer: "Thank you, Mr. Speaker. I have an inquiry of the Chair. Mr. Speaker, I have an inquiry of the Chair. Are there..."

Speaker Turner: "State your inquiry."

Meyer: "Are there notes filed on this Bill?"

Speaker Turner: "Notes? Mr. Clerk."

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Clerk Mahoney: "Notes have been filed on 4074 as amended and as the Bill is introduced."

Meyer: "What are those notes?"

Clerk Mahoney: "Request for notes on House Bill 4074: fiscal note, state mandates note, balanced budget note, House Rule note and judicial note."

Meyer: "I have a question of the Sponsor of the Bill. Representative, have you requested the respective parties to reply to those notes, to respond?"

Speaker Turner: "Turn on Representative Holbrook."

Holbrook: "I've asked for all of those notes to be responded to."

Meyer: "Thank you. Do you stand in support of this Amendment?"

Holbrook: "No, I already spoke and said I... I'm gonna be voting 'no' and I'm asking for a verification if it does get sufficient votes to pass, to challenge it."

Meyer: "Okay. Thank... thank you, Mr. Chair."

Speaker Turner: "The Lady from Cook, Representative Flowers, for what reason do you rise?"

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would just like to say that House Bill 252 would have given... changed the time in which disciplinary actions could've been taken against doctors from 3 years to 5 years. And I also want to say that ISBE made some bad investments in regards to its shareholders. They have a responsibility to answer to their shareholders. We have a responsibility to answer to the people of the State of Illinois. This is not about good health care for the

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people of the State of Illinois. That's what we should be debating, not the bad investments of docs and the bad investments of insurance companies, but the medical errors and the deaths that has been caused because of these people who for some reason can't even say 'I'm sorry. I'm sorry for the mistake that I made. I'm sorry that I caused the death of your loved one. I'm sorry that I caused the adverse reaction of your lov... loved one.' This issue should be about the people of the State of Illinois and how can we make this health care system better. Better for the people. Make those businesses responsible and answer to us, the Legislators and the people who pay the insurance. That's what we should be discussing now, Ladies and Gentlemen. And I just wanna say, no state, no state and California has had it the longest, that has ever passed medical malpractice. No state has seen their premiums go down. I had the pleasure of visiting down in Southern Illinois and I met with some doctors. And I said to each and every last one of them, 'If I could go back to Springfield and lower your premiums, would that be okay?' They said, 'Oh no, no, no, whatever you do, do not lower our premiums, just give us caps.' So, you want me to provide off my back and the backs of my constituents, your protections to put a cap on your errors? I don't think so. This Bill is about puttin' caps on the damages that some bad doctors have done to our constituents. That's not the message, Ladies and Gentlemen, that we wanna send across the State of Illinois. We wanna send them another message.

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We wanna say that the best interests of the people shall come first. Thank you."

Speaker Turner: "The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

Franks: "Thank you, Mr. Speaker. To the Amendment."

Speaker Turner: "To the Amendment."

Franks: "One of the previous Representatives had asked the genesis of this. And I can... might be able to fill in some of the gaps. I was reading about the State of Florida, where they had passed this exact law. I got a copy of that law and I sent it to both the Illinois Trial Lawyers Association and I also sent it to the Illinois State Medical Society. And I asked both of them to comment on what they... on whether they thought this would be a good idea here in the State of Illinois. I heard back from the lawyers and they thought it was a good idea because they thought they'd be able to weed out the bad doctors. There's been some statistics put out there that I think 3 percent of the doctors account for 37 to 40 percent of all malpractice claims. So, they thought this would be one way to weed out bad doctors and help the Department of Professional Regulations have more teeth in what they're doing. The response I received from the Medical Society was nothing short of rude. It was accusatory, pounding on me, quite frankly, I was shocked. And I called and asked if they'd like to discuss it and they said 'no'. So, I figured if they didn't wanna discuss it, the only way we could have a real discussion on it was to file the Bill.

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So, I had filed this Bill a few months ago hoping that this might be something that we could talk about during this medical malpractice discussion. I didn't know about the Amendment, quite frankly, 'til yesterday that this was gonna be up here for discussion. But I would've hoped that the process would've worked where the doctors would've come and talked to us about this, instead of just flying off the handle. I don't know if it's gonna work because this just happened in Florida. It just passed, I believe, last year. So, I don't know whether it has benefited the system. And I'm not sure it will. But I certainly think it's something that we oughta be discussing and we've heard a lot of people here complaining about the process. But I think, unfortunately here, the process, we're a victim of it because we couldn't have real discussion and couldn't have good faith negotiations by the parties. And they didn't come to... to express themselves and explain what the reason is, the Lady had to put this on as an Amendment so we'd have to do this on the House Floor. So, I don't think it's a dilatory practice that some have charged. I think it's good government to be able to talk about these things. So, that... I applaud you for bringing this forward. It was an idea that I had and, frankly, I wish we could've had more debate. And unfortunately, we're not hearing enough debate on the merits of this Amendment today. What we're hearing more is on the process of it. But I just wanted to give a little background on why that's here and to answer

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some of the criticisms where they're accusing other people of being dilatory. So, thank you."

Speaker Turner: "The Gentleman from Cook, Representative Molaro, for what reason do you rise?"

Molaro: "Just quickly, is a comment I'll make as quickly as I can. Even though we talked about, I think it was one of my colleagues on the right side of the aisle, talking about the fact that a doctor with gross negligence can be... have his license taken away or disciplined. Well, this Bill is much, much different than that because it says 'can be' where this Bill says after three 'must be'. So, there's a big difference in what is current law and what we've prescribed now. There's a big, big difference. Now, second reason you should consider voting for... 'yes' on this one, the last two which I can certainly understand everybody voting 'no', not only for the political reasons and this process reason, that hopefully we're getting tired of bringing up. But the last two Amendments actually weakened 4074. This makes the Bill stronger. My colleagues to my right and left pointed that out. Again, I'll repeat that. The last two Amendments made sense to vote 'no', even though they're tough votes. We all know the politics of this. You guys have... people on the right side have pointed it out. There's no question there's some politics involved in everything we do, some more than others. But in those... those Amendments made sense, it weakened the Bill, should be 'no'. This particular Amendment actually strengthens the Bill. So, I would just

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let ya consider this. Forget the politics and look at this as a separate Amendment. As Jack Franks just said, something we tried to bring before. It strengthens this Bill. Makes 4074 stronger, not weaker and you should consider an 'aye' vote."

Speaker Turner: "The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

Rose: "To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Rose: "Ladies and Gentlemen, this is a perfect... this is the perfect way to describe the point we've been makin' over here. This is why we have a committee process. The Lady brings an Amendment that says three times you're out. And then Representative Black shows up with 225 ILCS 6/22 Section A, which clearly says that one instance is enough to revoke your license in Illinois. This is why we have a committee process, to resolve these inconsistencies like... like Amendment #2. Amendment #2 sounds very reasonable to me, but we didn't discuss it in committee. Come on, people."

Speaker Turner: "The Lady from Cook, Representative Hamos, to close."

Hamos: "Ladies and Gentlemen, I think there's a lot of misinformation going around including from the previous speaker. And he knows this all too well. The... what the current law provides is that it is discretionary for the department to revoke a license in the case of gross negligence. This says that if there are three instances of

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gross negligence after a due process hearing... hearings with the... with the doctor, in that case the license must be revoked. This is not unlike what many people who have spoken today might have done over their careers with probationary laws in the case of criminal justice. Ya know, where you allow for the first instance to be one penalty and then more serious pena... instances to be additional penalties. That this is not unlike anything we do in this legislative process. I, personally, have been to at least 20 hours of hearings on medical malpractice. We have learned a lot about what the issues and needs are. Just because the Illinois State Medical Society did not decide to put in their Bill something that really would weed out the worst doctors in the state, does not mean that we as public policy makers should not be seriously intent on doing that. Please think of your own family. Would you want your child to be operated on by a doctor who has three instances of gross negligence. I seek an 'aye' vote and I request a verification of the 'no' votes."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "I have an inquiry of the Chair. I'll wait until after the vote."

Speaker Turner: "Thank you. Ladies and Gentlemen, I'm here to remind you that you should vote your own switch. There's been a verification request for both the positive and the negative. And on that... and on that the Gentleman from Vermilion, Representative Black, one more time."

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Black: "Mr. Speaker, I... I'm... I'm always fascinated by the process in this chamber and I love it, love it very much. You had a Motion from me to commit this Amendment back to the Civil and Judiciary Committee where it could be discussed, where it could be debated, where witness could come to testify. The Lady's already closed on the Amendment. And you never recognized my Motion. The Motion I would assume is quite moot at this point. I'm just curious as to why, why we... why we do this sometimes. I... I filed the Motion in... in ample time. You knew it was there. Why... why weren't we allowed to vote on my Motion in writing to... to commit this Amendment to the proper committee, where it should've gone anyway, for a full discussion, full debate? And heavens, heavens to betsy, witnesses could've come down and testified on this Amendment. Wouldn't that be a novel idea?"

Speaker Turner: "That's the only thing missing today is witnesses. But Representative, your... your Motion, when I recognized you earlier, that was the first time I saw the Motion."

Black: "All right, well..."

Speaker Turner: "And that was the reason that I recogn..."

Black: "Okay."

Speaker Turner: "...tried to recognize you at that time. If you want to..."

Black: "I... I..."

Speaker Turner: "...proceed with that Motion, we can."

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Black: "No, I... I think... I think it's a waste of everybody's time to pursue the Motion after we've had the debate and after the Sponsor has closed. I do appreciate you letting me point out to the Chair that not everything goes as smoothly as we'd like, but I respect the... the integrity and the power of the Chair. It's time to vote."

Speaker Turner: "We apologize that that didn't hit my desk or it didn't hit the top desk immediately. As you know, we would've recognized you right away. But on that Motion... the question is, 'Shall the House adopt Amendment #3 to House Bill 4074?' The Clerk shall open the roll. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the roll. On this question, there are 48 voting 'aye', 65 voting 'no'. This Amendment... No, Representative Hamos. Representative Hamos, you want to proceed with your verification? There are 48 voting 'aye', 64... 65 voting 'no'. And this Amendment, not having received the majority, is declared failed. The Lady from Cook, Rep... Further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments have been approved for consideration. Fiscal notes and other notes have been requested on the Bill and have not been filed."

Speaker Turner: "Hold the Bill on Second Reading. Representative Flowers, for what reason do you rise?"

Flowers: "Mr. Speaker, I would like the record to reflect that had I been in the chambers at the time of the vote, I would've voted 'no' on that Amendment."

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Speaker Turner: "We know you were here and the record will reflect your wishes to change that vote."

Flowers: "Thank you, yes."

Speaker Turner: "The Gentleman from Hol... the Gentleman from St. Clair, Representative Holbrook, for what reason do you rise?"

Holbrook: "Speaker, is it my understanding the notes have not been filed and I cannot make a Motion to move this Third Reading?"

Speaker Turner: "The notes... requests have been made..."

Holbrook: "Requests."

Speaker Turner: "But the answers have not been brought back."

Holbrook: "All right."

Speaker Turner: "So, you cannot move this Bill until those requests and answers have been turned in."

Holbrook: "Speaker, I'd also let to know that anyone that would like to be a cosponsor of the Bill is more than welcome... welcome. Someone came up a little earlier here this afternoon and said they'd like to be a cosponsor, when were they gonna be allowed on. I said... any requests that's come to me since I filed this Bill, I have put people on as cosponsors and anyone who would want to be just come on over and I'll sign up... and put you on the Bill. Thank you."

Speaker Turner: "And the line starts where? The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you, Mr. Speaker. Inquiry of the Chair."

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Speaker Turner: "State your inquiry."

Black: "On the notes that have been requested on the Bill. Refresh my memory. All I remember reading were the notes requested on the Bill as amended. Were there in fact notes requested on the underlying Bill?"

Speaker Turner: "Mr. Clerk, would you state the notes that have been filed... requests that have been filed?"

Clerk Bolin: "For House Bill 4074, the following notes have been requested on the Bill: fiscal note, state mandates note, balanced budget note, Home Rule note and judicial note have been filed for the Bill as introduced in the House."

Speaker Turner: "And are there other requests that have been made on this Bill as amended?"

Clerk Bolin: "For House Bill 4074, the following notes have been requested on the Bill as amended: fiscal note, state mandates note, balanced budget note, correctional note and judicial note."

Speaker Turner: "Representative Black, does that answer your question?"

Black: "Yes, thank you very much. I... I assume unless the Chair were to inform me otherwise, the fiscal note... or the note requests on the Bill as amended, obviously, are null and void."

Speaker Turner: "That is correct."

Black: "All right. That leaves some notes on the underlying Bill, I... I do not believe that the Chair would recognize my Motion to rule the... the notes inapplicable. I would stand

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certainly in support of the Sponsor of the Bill in any attempt to rule the notes inapplicable. And an editorial comment if I might, for those who have argued so emotionally that none of this is dilatory and none of what we have been through for the last 2 days is designed to slow down the Bill, and that none of this should be intended as any way, shape or form that there... there is strident opposition to the Bill, than I would simply say to those people, then prove what you said. If you're not attempting to be dilatory, remove the notes and let the Democrat Sponsor of the Bill move his Bill to Third Reading. Enough is enough."

Speaker Turner: "Mr. Clerk, what's the status of Senate Bill 1469?"

Clerk Bolin: "Senate Bill 1469 is on the Order of Senate Bills- Third Reading."

Speaker Turner: "The Sponsor has requested that the Bill be brought back to Second. Mr. Clerk, do you have Agreed Resolutions?"

Clerk Bolin: "Agreed Resolutions. House Resolution 426, offered by Representative Cross. House Resolution 427, offered by Representative Black. House Resolutions 428 and 429, offered by Representative Black. And House Resolution 430, offered by Representative Washington."

Speaker Turner: "The Gentleman from Jasper, Representative Reis. The House moves for..."

Reis: "Representative Reis."

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TRANSCRIPTION DEBATE

50th Legislative Day

5/12/2005

Speaker Turner: "Excuse me. You've heard the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor say 'aye'; all those opposed say 'no'. And the Resolutions are adopted. Representative Reis from Jasper, what's your request?"

Reis: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Turner: "State your inquiry."

Reis: "Many of us have family who are wanting to come up next weekend, is... is next Saturday and Sunday, are we still in Session? Do we know that for sure?"

Speaker Turner: "All depends on how good we are next week, Representative. Right now, we are still scheduled for next Saturday and next Sunday. That... that change has not been... I've heard nothing different that there's gonna be a change."

Reis: "Thank you."

Speaker Turner: "Mr. Clerk, Adjournment Resolutions."

Clerk Bolin: "Senate Joint Resolution #46, offered by Representative Currie.

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 12, 2005, the Senate stands adjourned until Monday, May 16, 2005, at 3:00 p.m.; and the House of Representatives stands adjourned until Tuesday, May 17, 2005, at 12:00 noon."

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Speaker Turner: "Allowing perfunctory time for the Clerk, Representative Currie moves for the adoption of the Adjournment Resolution. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, is the 'ayes' have it. And the Adjournment Resolution is adopted. Allowing perfunctory time... The Gentleman from Cook, Representative Burke, for what reason do you rise?"

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would like to remind the Members that we're going to be celebrating a very important birthday on Monday. Susana Mendoza, my seatmate. Representative Franks is going to be hosting a gathering Monday night and I know we're not in Session, but we are all, in fact, invited to Representative Franks' house and that would be something to see. So, after the COWL rehearsal by the way, we will gather at Representative Mendoza's birthday party. Thank you."

Speaker Turner: "Now, do you wanna give Representative Franks' address out for the record or should they just stop by and see him later?"

Burke: "329 South Walnut."

Speaker Turner: "329 South Walnut. Seeing no further announcements, no questions and allowing perfunctory time for the Clerk, Representative Currie moves that the House does stand adjourned 'til Tuesday, May 17, at the hour of 12 noon. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes'

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have it. And the House does stand adjourned until Tuesday, May 17, at the hour of 12 noon."

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative Fritchey, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4074 and Senate Bill 1893; 'do pass as amended Short Debate' Senate Bill 98 and Senate Bill 764. Representative Daniels, Chairperson from the Committee on Developmental Disabilities & Mental Illness, to which the following measure/s was/were referred, action taken on May 12, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 368. Introduction and First Reading of House Bills. House Bill 4076, offered by Representative Boland, a Bill for an Act concerning elections. House Bill 4077, offered by Representative Winters, a Bill for an Act concerning local government. First Reading of these House Bills. Introduction of Resolutions. House Resolution 431, offered by Representative Froelich and House Joint Resolution 58, offered by Representative Acevedo. These Resolutions are referred to the House Rules Committee. Introduction and First Reading of Senate Bills. Senate Bill 572, offered by Representative Hassert, a Bill for an Act concerning local government. First Reading of this Senate Bill. There

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being no further business, the House Perfunctory Session
will stand adjourned."