



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7280

Introduced 3/18/2004, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1115.01 new

Amends the Code of Civil Procedure. Limits recovery in medical and healing arts malpractice cases to the amount that is covered by the physician's medical malpractice insurance or liability insurance. Provides that in no event shall a physician be liable in an amount that would cause him or her to forfeit any of his or her personal assets. Requires a physician to carry a reasonable level of medical malpractice or liability insurance depending on his or her type of practice. Effective immediately.

LRB093 21549 LCB 48751 b

1 AN ACT concerning malpractice.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding
5 Section 2-1115.01 as follows:

6 (735 ILCS 5/2-1115.01 new)

7 Sec. 2-1115.01. Personal assets protected in healing art
8 malpractice cases. In all cases, whether tort, contract, or
9 otherwise, in which the plaintiff seeks damages by reason of
10 medical or healing art malpractice, the amount of the recovery
11 shall be limited to an amount that is covered by the
12 physician's medical malpractice insurance or liability
13 insurance. A physician is required to carry a reasonable level
14 of medical malpractice or liability insurance depending on his
15 or her type of practice. In no event shall a physician be
16 liable in an amount that would cause him or her to forfeit any
17 of his or her personal assets.

18 This amendatory Act of the 93rd General Assembly applies to
19 causes of action filed on or after its effective date.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.