



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/5/2004, by Kirk W. Dillard

**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.

LRB093 20657 LCB 46511 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. In no event, shall a physician be liable in an  
14 amount that would cause him or her to forfeit any of his or her  
15 personal assets.

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