



# Illinois State Medical Society



## **POSITION PAPER IN OPPOSITION TO SB 1700 REPEAL OF THE MEDICAL STUDIES ACT**

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**The physician members of the Illinois State Medical Society and the Illinois Hospital Association are strongly opposed to SB 1700**, a bill that removes all protections long-afforded to physicians and hospitals engaging in peer review, research, and medical studies. This legislation will have very harmful effects on patient safety and will lower the quality of healthcare services available to the citizens of Illinois.

The objective of the Medical Studies Act (735 ILCS 5/8-2101) is to increase the effectiveness of hospital peer review and quality control committees by encouraging the full and frank discussions within these committees. To achieve this objective, the Medical Studies Act provides that the information and deliberations of such committees are privileged and confidential.

The Illinois courts have long recognized the importance of the objectives of the Medical Studies Act and have consistently decided that the confidentiality of documents and information that are a key part of the peer review committee process should be maintained. In *Jenkins v. Wu*, the Illinois Supreme Court stated that “[the Medical Studies Act’s] purpose is to ensure the effectiveness of professional self-evaluation, by members of the medical profession, in the interest of improving the quality of health care.” *Jenkins v. Wu*, 102 Ill. 2d 468, 480, 468 N.E.2d 1162, 1168 (1984). In another case, the Court again stated that “the statute is premised on the belief that, absent statutory peer-review privilege, physicians would be reluctant to sit on peer-review committees and engage in frank evaluations of their colleagues. *Roach v. Springfield Clinic*, 157 Ill. 2d 29, 40, 623 N.E.2d 246, 251 (1993). This premise is as true today as it was in 1993. Senate Bill 1700 would override these court decisions and discourage physicians from engaging in essential quality improvement activities.

SB 1700 would effectively eliminate the serious and honest peer review process involving physicians and other health care professionals. During that process, information is created that is used for various patient-centric purposes, such as internal quality control and medical study for the purpose of reducing morbidity or mortality. Such information is provided statutory privilege and confidentiality, which encourages protected, forthright communication and directly benefits Illinois patients. This bill attempts to strip all such protections, which will have the effect of shutting down communication, stifling the peer review process, and rendering internal quality control measures ineffectual. This bill runs absolutely counter to the significant movement toward quality health care and improved outcomes for the people of Illinois.

**Senate Bill 1700 will only diminish patient safety and access to quality health care for the citizens of Illinois.**

**We urge your “NO” vote on SB 1700.**