



Illinois State Medical Society

Oppose Senate Bill 72 Continued Efforts to Undermine Illinois' Medical Liability System

Illinois physicians respectfully request your “NO” vote on Senate Bill 72, House Committee Amendment 1, another bill which would require payment of **prejudgment interest** in personal injury and wrongful death cases. Prejudgment interest statutes will undermine Illinois’ medical liability system, making it more difficult for physicians to continue practicing in Illinois.

The bill is related to a bill passed in the last General Assembly—House Bill 3360, which physicians also opposed. SB 72 also amends the Code of Civil Procedure to allow for prejudgment interest. The interest begins to accrue at the time the case is filed. But many cases can take several years – sometimes as long as almost a decade– to be settled or decided in court. The bill as written would apply to not only future cases, but current cases as well. SB 72 HA#1 proposes that the amount calculated by the court will be at a rate of 7% per year on the ultimate award.

Prejudgment interest statutes are punitive in nature and completely contrary to the current Illinois civil justice system, which prohibits punitive damages in medical malpractice actions. Delays during medical malpractice frequently occur due to reasons outside of a defendant’s control, and this bill would force defendants to pay for something they could not control.

These are payments that would be in addition to the awarding of damages and create a system so unbalanced that it will be difficult for physicians, particularly those providing certain types of care to stay in Illinois.

Passing this bill will no doubt lead to more shortages in our health care workforce.

Please vote “NO” on Senate Bill 72, House Committee Amendment No. 1.