

RESOLUTION 09.2021-09 (A-22)
ILLINOIS BIRTH-RELATED NEUROLOGICAL INJURY
COMPENSATION PLAN

ISMS Board Action Taken on 02/05/2022

Adopted Resolution 09.2021-09 (A-22), as amended by the Medical Legal Council.

Medical Legal Council Recommendation to ISMS Board on 02/05/2022

At its October meeting, the Board considered the recommendation of the Council. The Board expressed hesitancy at the creation of legislation for such a program, and noted concerns regarding the existence of this program in only two other states. The Board requested the Council's additional study of such a program, such as to whom this would apply, the experience of health care professionals and patients in the Florida and Virginia programs, and the reasons behind a lack of expansion of this program across the United States. Staff has done additional research which reveals that most physicians must contribute to the Florida program. Another state has been considering a version of such a program with health care professionals supporting the program. Further note should be taken that Illinois has significant financial problems and state contributions to any program of this nature would be unlikely. After input received at the October Board meeting, the Council discussed this matter at length. One member identified that in Florida, obstetric physicians pay \$5,000 and all other Florida licensed physicians pay \$250. The Council recognized that such a program would not be feasible in Illinois at this time because of potential trial lawyers' opposition and the state's financial situation. However, the Council believes that studying these programs could result in beneficial information for when the legislative climate changes. The Council revised its previous recommendation to the Board by removing the item on developing legislation.

The Medical Legal Council recommends that the ISMS Board of Trustees adopt Resolution 09.2021-09 (A-22), as amended:

RESOLVED, that the Illinois State Medical Society (ISMS) create a work group on no-fault obstetric care in rural Illinois to ~~address~~ study and report back on the following:

1. Define the scope of issues affecting obstetric care in rural Illinois, and
2. Survey physicians in rural Illinois and document the impact of litigation on their practices, and
3. Compile impact statements from women in rural Illinois regarding obstetric and newborn care, and
4. ~~Collaborate-Communicate~~ with malpractice insurance companies and relevant Illinois medical specialty associations to compile relevant data, ~~and~~
5. ~~Develop model legislation for an Illinois no-fault Birth-Related Neurological Injury Compensation Plan; and be it further~~

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5. Develop ~~model~~ legislation for an Illinois no-fault Birth-Related Neurological Injury Compensation Plan, ~~and be it further~~

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~~RESOLVED, that ISMS develop an advocacy plan for the model legislation and report back to the ISMS Annual Meeting.~~

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