

(Board Action Affirmed; 2023 Annual Meeting)
Board Adopted Resolution as Amended
(January 2023)

ILLINOIS STATE MEDICAL SOCIETY

Resolution 11.2022-22
(A-23)

Introduced by: Jerrold B. Leikin, MD, ISMS Member

Subject: Attorneys' Retention of Confidential Medical Records and
Controlled Medical Expert's Tax Returns After Case Adjudication

Referred to: Medical Legal Council

RESOLVED, that the ISMS advocate that attorney requests for controlled medical expert personal tax returns should be limited to 1099-MISC forms (miscellaneous income) and that entire personal tax returns (including spouse's) should not be forced by the court to be disclosed; and be it further

RESOLVED, that the Illinois State Medical Society (ISMS) advocate through legislative or other relevant means the proper destruction by attorneys of medical records (as suggested by *Haage v. Zavala*, 2021 IL 125918) and medical expert's personal tax returns within sixty days of the close of the case; and be it further

RESOLVED, that the Illinois Delegation to the AMA draft a resolution to create a policy to the same.