



Illinois Department of Insurance

PAT QUINN
Governor

MICHAEL T. McRAITH
Director

TO: ALL COMPANIES WRITING MEDICAL MALPRACTICE IN ILLINOIS

FROM: MICHAEL T. McRAITH, DIRECTOR

DATE: JULY 21, 2010

RE: CB 2010-06 MEDICAL MALPRACTICE CLAIMS DATA REPORTING

As you are aware, on February 4, 2010, the Illinois Supreme Court found the limitation on non-economic damages in medical malpractice actions unconstitutional. Due to an inseverability provision in the Act in which the limitations (or “caps”) were enacted (Public Act 94-677), the Supreme Court also held invalid the medical malpractice regulatory reforms (“the 2005 Reform Laws”) contained in the Act. However, in its decision, the Supreme Court emphasized that because the 2005 Reform Laws “are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate.”

While the Illinois Supreme Court ruling impacts some details of 215 ILCS 5/155.19, other requirements in that statute are still in place and companies are obligated to continue to submit to the Department of Insurance (Department) closed claim (loss) information and information concerning medical malpractice lawsuits filed against the company’s insureds. The Department has begun the rulemaking process to update Part 928 (50 Ill. Adm. Code 928). Until that process is complete, companies may fulfill their statutory requirement by continuing to file these claims electronically, using software made available from the Department, and on a quarterly basis. The Department has recently started a pilot program for companies to file their claims through a web based application. Please contact the person named below to let us know if you would like to be considered for the pilot program.

Further details are available at the Department’s [website](#). For questions related to this filing requirement, please contact Neetha Mamoottille at (217) 557-1397 or at DOI.MedMal@illinois.gov.