

## Illinois' Medical Liability Environment's Impact on Patient Access to Care

Illinois has one of the most high-risk and expensive medical malpractice environments in the United States, with significant implications for healthcare costs, provider availability, and patient access.

Several factors contribute to this challenging environment:

- ▶ **High Verdicts:** Between 2016 and 2023, Illinois accounted for 10 of the 50 largest medical malpractice verdicts in the country, **all exceeding \$40 million**, sometimes referred to as “nuclear verdicts.” These large awards can destabilize hospitals and shift resources away from patient care.
- ▶ **Insurance Costs:** Medical liability insurance premiums in Illinois are significantly higher than in neighboring and peer states. Physicians in specialties such as obstetrics and general surgery pay **four to ten times more** for coverage than counterparts in states with liability reforms, including California.
- ▶ **Impact on Access to Care:** Hospitals report that high liability risk makes recruiting and retaining physicians in essential service lines, such as obstetrics, gynecology, neurosurgery, and trauma care, more difficult. Between 2016 and 2022, **19 Illinois hospitals discontinued obstetric services**, citing malpractice pressures as a key factor.
- ▶ **Defensive Medicine:** Fear of litigation leads providers to order additional tests and procedures primarily to reduce legal exposure rather than improve patient outcomes. These practices **increase costs** for patients, employers, and taxpayers and can create **delays in care** for those who truly need services.
- ▶ **Comparative Position:** Illinois consistently ranks among **the worst liability systems in the country** and is a national outlier compared to neighboring states, which have implemented reforms that reduce excessive litigation and promote predictable insurance costs.
- ▶ **Economic Implications:** Illinois' high-cost malpractice environment **diverts limited healthcare dollars** away from patient care, community health initiatives, workforce recruitment and retention, facility modernization, and quality improvement.

### Implications for Patients and Communities

The current malpractice environment in Illinois affects patients by **limiting access to essential healthcare** services, particularly in high-risk specialties such as obstetrics, surgery, and trauma care.

Many hospitals have reduced or eliminated services due to liability pressures, forcing patients to travel farther or forgo care altogether. At the same time, defensive medicine practices and exorbitant insurance costs contribute to higher healthcare expenses, placing **additional financial burdens** on patients, employers, and taxpayers.

These combined pressures **reduce the availability and affordability of care**, particularly in rural and underserved communities, and can strain the overall healthcare system.