



Fabrizio v. Provena United Samaritans, 857 N.E.2d 670 (Ill. S.Ct. 2006)

Topics Covered: Medical Staff

Outcome: Very Unfavorable

Issue

The issue in this case was whether a hospital could require the members of its medical staff to carry medical malpractice insurance with limits greater than those approved by the Medical Executive Committee (MEC), acting under the authority of the medical staff bylaws.

AMA Interest

The AMA supports the self-governance of organized medical staffs. The AMA also supports the enforceability of medical staff bylaws.

Case Summary

The medical staff bylaws at Provena United Samaritans Medical Center required that the members of the medical staff maintain professional liability insurance in at least “the minimum amounts as may be determined by the Medical Executive Committee and ... the Board.” The MEC, with Board approval, required minimum limits of \$200,000 per occurrence and \$600,000 aggregate for multiple occurrences. However, the Board, without MEC approval, sought to increase those limits to \$1,000,000 per occurrence and \$3,000,000 aggregate for multiple occurrences.

Four of the physicians on the medical staff sued to prevent the hospital from requiring them to increase their malpractice insurance limits. The trial court enjoined the hospital from requiring such an increase, and the hospital appealed.

By a split decision, the Illinois Appellate Court reversed the trial court ruling. The order held, in essence, that medical staff bylaws are unenforceable by physicians except in matters concerning the granting, reduction, or revocation of staff privileges based on issues of clinical competence. The medical staff then asked the Illinois Supreme Court to review this case, but the Supreme Court denied that request.

Litigation Center Involvement

The Litigation Center, along with the Illinois State Medical Society, filed an *amicus curiae* brief to support the trial court injunction, which would have prevented the hospital from requiring the members of the medical staff to increase the limits of their malpractice insurance coverage.

Illinois Appellate Court brief