

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

December 2, 2014

Brett Chase
Better Government Association
bchase@bettergov.org

Re: FOIA 14-709

Dear Mr. Chase:

I write to respond to your Freedom of Information request dated and received in my office on October 28, 2014, in which you requested:

“Under FOIA, I’m requesting copies of the following, for the time period of October 1, 2009, to present:

*All agreements (for example, settlement agreements and release agreements) resolving any medical malpractice allegations against the University of Illinois Hospital & Health Sciences System, including both resolution of lawsuits and agreements entered into outside of litigation.

*Documents sufficient to show the amount of each judgment entered against U of I or faculty in any medical malpractice lawsuit and corresponding legal fees spent on each case and law firms.

*For any payment to resolve any actual or threatened wrongful death allegations not covered by my first two requests, please provide documents sufficient to show the amount paid and nature of the allegations.

Please include copies of all lawsuits related to medical malpractice payouts and records of legal fees.

Please also include records sufficient to show medical malpractice premiums paid in each of the past five years.”

Information responsive to your request is available. These are public documents, and if printed, would number 1052 pages. The link below will provide you access to the responsive records.

During the five-year time period requested, 74% of the 225 lawsuits and claims alleging medical malpractice, including wrongful death, did not result in any payment to the plaintiff or claimant. Of the 83 claims received, 62 (75%) were investigated and denied or closed without payment to the claimant. Of the 144 lawsuits received, 104 (72%) have reached a final resolution without any payment to the plaintiff. Only 17 (7%) lawsuits were taken to trial resulting in 14 verdicts in favor of the University and its providers. Recognizing each lawsuit and claim often represents an unfortunate or tragic outcome for a patient, the University strives to judiciously settle cases reflecting clear liability but vigorously defend those without merit.

Additionally, it is important to keep in mind that regardless of whether or not a lawsuit is later

Office for University Relations

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filed or a claim made, our clinical programs have systems in place to review the care and treatment provided in those cases which result in unfortunate or unexpected outcomes for the patients we serve.

Portions of the responsive documents have been redacted pursuant to the following section(s) of the Act:

- 140/7(1)(a) that exempts from disclosure “Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law.” Pursuant to this exemption, patient information (or information that could lead to the identification of a patient) that is prohibited from being released under the Health Insurance Portability and Accountability Act (HIPAA) was redacted from the responsive documents.
- 140/7(1)(b) that exempts from disclosure “Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.” This includes social security numbers, home addresses, personal email addresses, home phone numbers, signatures, and private medical information.
- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes the identification of patients, guardians, or information that could lead to the identification of patients, private medical information, dates of birth, and other personal information.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer