

January 19, 2021

Honorable JB Pritzker
Governor
State of Illinois
207 State House
Springfield, IL 62706

Re: Veto HB 3360 and Support Vital Healthcare Providers and Hospitals

Dear Governor Pritzker:

On behalf of the Illinois Health and Hospital Association's (IHA) more than 200 member hospitals and nearly 40 health systems, I am writing today to strongly urge you to veto HB 3360 that will, if signed into law, place an even greater financial burden on healthcare providers and hospitals that are on the front line in the fight against COVID-19. In addition, this bill will undoubtedly stall efforts to address healthcare disparities and inequities by driving physicians, including specialists, out of the state and further limit the ability of hospitals to maximize scarce resource to expand access to care.

HB 3360 mandates a 9% prejudgment interest rate on defendants in every personal injury and wrongful death case. This extraordinarily high interest rate, which does not reflect the current market, begins to accrue from the date the defendant receives notice of an alleged injury until the court renders a final judgment. This inherently unfair and egregious penalty upends our existing judicial system by attaching interest penalties before a lawsuit has even been filed, let alone decided.

When hospitals receive notice of any injury, the injured party has two years to file suit, which is why most states provide that interest does not begin to accrue until a lawsuit is filed or a settlement is made. Hospitals do not and cannot dictate the filing date of an injured party. Similarly, they do not determine, nor can they predict, the length of time it will take for a court to resolve the case, but it usually takes several years. The COVID-19 pandemic is a timely example of an event outside of our control that can delay final judgment. HB 3360 also fails to take into account court delays attributable to the plaintiff or their attorneys.

The COVID-19 pandemic's disproportionate impact on minority communities has shown that we must work together to address healthcare disparities and inequities that have existed for far too long. This bill seeks to do just the opposite as it will further increase healthcare costs and drive providers to work in other states. This is particularly true since the majority of Illinois hospitals are self-insured. Thus, the costs

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from this unfair legislation will be paid directly by hospitals, not their insurance policies. The result will be additional barriers to accessing care, further exacerbating health inequities.

I implore you to veto HB 3360 and commit to supporting Illinois' healthcare providers and hospitals. In addition, I respectfully request that moving forward, you ensure that IHA and the hospital community have a seat at the negotiating table to avoid future unilateral and one-sided approaches such as HB 3360 that come at the expense of healthcare.

Sincerely,

A.J. Wilhelmi
President & CEO
Illinois Health and Hospital Association