

# Commentary

## A reflection on Illinois’ new House speaker, Chris Welch

By JOHN T. SHAW

As the director of the Paul Simon Public Policy Institute at Southern Illinois University in Carbondale, I don’t pay an



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undue amount of attention to the weather. However, Monday, Jan. 28, 2019, was different. I woke up to a heavy snow-storm barreling across Illinois and was concerned because the Institute had a public event scheduled that evening with state Rep. Emanuel “Chris” Welch. Mr. Welch planned to make the normally five-and-a-half-hour drive that day from his home near Chicago to southern Illinois. Given that it was already snowing heavily in Chicago, I assumed we would have to cancel our Pizza & Politics event with Mr. Welch.

Our staff contacted him, saying his safety was our primary concern and that we had no problem rescheduling the event. Mr. Welch said this was not necessary and that, after he dug himself out of his driveway, he would begin the long car drive down the length of Illinois. He

checked in periodically as made slow, but steady, progress down Interstate 57.

Rep. Welch arrived in Carbondale about an hour before our event and graciously visited with me, SIUC’s chancellor, and the university’s chief of staff.

His presentation to the curious and excited students, staff, and community members who assembled in our lobby was informal and impressive. He spoke candidly about his career in politics, the challenges facing Illinois, and the critical importance of higher education to the future of our state. After he spoke, answered questions, and the official event ended, Rep. Welch chatted unhurriedly with students who lingered with follow-up questions. Then he grabbed a piece of pizza, thanked the Institute for our invitation, and headed out for the three-hour drive to Springfield, much of it on dark and daunting two-lane highways. I later told him that he will officially be inducted into the Institute’s Hall of Fame for his insistence on honoring his commitment to get to Carbondale despite the inclement weather, as well as for his stellar presentation.

I first met Mr. Welch several months earlier when he visited SIU Carbondale in his capacity as the chairman of the House Higher Education Committee. He had scheduled field hearings in Carbondale and Edwardsville to understand

better the challenges facing the SIU system. He asked if he could stop by the Institute. I eagerly agreed, and we had a wide-ranging conversation about government, politics, and education. He was serious and thoughtful and also warm and engaging. He listened more than he spoke. We discussed our favorite political books. He was intrigued by a book on my shelf, “American Pharaoh: Mayor Richard J. Daley—His Battle for Chicago and the Nation,” by Adam Cohen and Elizabeth Taylor. As it happened, I had a second copy of the book at home and insisted that he take the one in my office. “Are you sure you want to part with one of your favorite books?” he asked with a broad smile. I assured him that I was confident that he would provide it with a good home.

The Institute recently asked 25 prominent Illinoisans to recommend five books about the state to provide students a nuanced, well-rounded understanding of our state. We received recommendations from U.S. Sen. Richard Durbin, former Gov. Jim Edgar, former U.S. Congressman and Transportation Secretary Ray LaHood, Rep. Welch, and others. Mr. Welch’s intriguing recommendations were “Boss: Richard J. Daley of Chicago” by Mike Royko, “Mayor Harold Washington: Champion of Race and Reform” by

Roger Biles, “Dreams from My Father” by Barack Obama, “Our Culture of Pandering” by Paul Simon, and “American Pharaoh,” the book I had given him.

After COVID-19 hit last spring, the Institute created a program called Understanding Our New World, an ongoing series of virtual conversations with international, national, and Illinois experts and leaders. One of our first interviews was with Mr. Welch. He was hopeful, forthcoming, and incisive as he discussed the state budget, higher education, police reform, and economic justice. He spoke vividly about the political muscle of Richard J. Daley and the inspirational leadership of Harold Washington, Paul Simon, and Barack Obama.

Chris Welch faces monumental challenges as the new speaker of the Illinois House of Representatives. Time will tell how he meets the trials and tribulations that await. What I do know is that he will bring to his work an enormous reservoir of decency, intelligence, compassion, and humility. My guess is that Illinoisans will soon feel that they are very lucky to be able to call Chris Welch, “Mr. Speaker.”

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## Medical liability insurance planning key for a healthy practice in 2021

By MAX SCHLOEMANN

With the coronavirus pandemic accelerating a shift towards telemedicine, 2020 has been a year of tremendous change



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in the medical industry. 2021 will be no different, with the incoming Biden administration promising to shift the regulatory landscape. Insurers are still playing catch-up with these surprising developments. For practitioners, there are real and unsettling questions as to what awaits in the future. Practitioners will find a new and evolving landscape is searching for liability insurance for 2021 and beyond.

Despite a lot of uncertainty, insurers and regulators have started to show their cards as to what changes the medical industry can expect, with higher rates being number one on the agenda. For practitioners, here are four key considerations for the new year:

Medical malpractice insurance rates are going up. Based on the data we’re seeing so far, rates for new policies or 2021 renewals will increase an average of about 10 percent, with some specialty classes going up more than others. While internal medicine and family practice rates are only increasing around 5 percent, look for general surgery insurance to go up about 15 percent, with some specialties and hospitalist rates going up as much as about 20%. This is largely due to payouts for claims increasing across the board, and rising legal defense costs. Unfortunately, even doctors that haven’t had a claim in

the last five years will likely see increases. Some practices that have had fewer patients, such as those doing elective treatments, may be wondering where their rate reductions are, as revenues are down from lower patient volumes in 2020. But insurers and actuarial firms seem to have priced this in and are expecting these practices to be even busier in 2021.

Telemedicine will start to cause insurance changes. Telemedicine is going to continue to gain traction, not only with providers, but also with patients who have gotten more used to it. Even a COVID vaccine is unlikely to stop the trend, as telemedicine is more efficient and allows doctors to see more patients.

The most immediate concern with telemedicine is that currently, with the national emergency, doctors may be legally allowed to conduct telemedicine with out of state patients, but their insurers are usually not covering it - unless the provider is licensed in the state where the patients are located. The pandemic has caused states to allow for a non-licensed physician to treat patients within the state, even without a license in the state where the patient is located, but underwriters typically require that the physician be licensed in that state. Since these are temporary conditions, insurance carriers have not yet adapted to the law and allowed it, which limits the law’s usefulness. It’s still an open question whether some insurance companies will lead the way on modifying policies to cover out of state telemedicine, or whether new regulations could be passed that may require coverage. To expedite getting malpractice coverage for telemedicine across state lines, physicians should secure licenses in the states where their patients are located, a process which in many states is as simple as paying a modest fee.

Could telemedicine cause an increase in rates as well? That is a possibility, as if there are more patients seen, there could be more potential liability caused by sheer numbers. Also, insurers have expressed concerns that telemedicine leaves more room for doctors to misdiagnose or fail to notice significant medical issues, given there is no in-person physical exam. However, insurers don’t really know yet if this concern will be borne out by more claims. It could happen that telemedicine causes rates to go up, but the industry seems to be waiting for more information.

Cyber Liability issues keep growing. Physicians and medical practices should look into additional coverage for cyber attacks. This coverage is usually included on liability policies up to a certain point, but higher limits of liability and more robust coverage should be considered. We have seen even small practices become targets for hackers who view health care practitioners as soft targets and are typically looking for ransom after gaining access to private data. HIPAA and other regulations require measures to be taken to protect patient data. Exposure for physicians and medical practices includes liability for the loss of personally identifiable information of patients, as well as business interruption and other issues. This coverage may be too limited on many malpractice insurance policies, so take a careful look at these policies and consider additional coverage in our world of expanding cyber threats.

Growth in medical Marijuana and Ketamine recommendations. Nothing about 2020 slowed down the trend towards legalization of marijuana, both for recreational and medical usage. Look for growing institutional acceptance in 2021, and for insurers to offer policies that are carved out to

specifically cover the professional liability for doctors who certify that a patient meets the requirements for the state’s medical marijuana program - as standard malpractice policies are usually not sufficient for this exposure.

The difficult year of 2020 has unfortunately seen a rise in depression and other mental health issues, and therefore drugs prescribed to treat it. Ketamine is being used to relieve pain and treat depression. While there have been well-publicized problems and huge legal settlements related to abuse of opioids for pain medicine, prescriptions for Ketamine, which was previously known more for its (illegal) recreational use, appear to be growing. It remains to be seen how this will impact coverage in 2021 but look for movement in this area from insurers as well. Medical practices using Ketamine assisted psychotherapy need specialized malpractice insurance policies.

Although 2021 will bring a lot more change to the industry, doctors who stay a step ahead and do some early planning, can have a healthy practice in the new year. Private practice physicians should seek expert medical professional liability insurance advice from a knowledgeable broker, like MEDPLI Insurance Services, to cover their unique practices.

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