



## Alerts

### Illinois Medical Studies Act Requires Hospital to Disclose Number of MRSA Infections

September 21, 2011

*Medical Litigation Alert*

In *Zangara v. Advocate Christ Medical Center and Dziamara v. Advocate Christ Medical Center*, (consolidated for appeal), the Illinois Appellate Court, First District, considered the implications of the Illinois Medical Studies Act concerning certain infection control information at defendant hospital. Plaintiffs appealed the trial court's rulings dismissing their actions for failure to comply with 735 ILCS 5/2-622, which requires the filing of a physician's report stating that the medical malpractice suit sets forth a meritorious cause of action.

Plaintiffs in the cases each argued that they were prevented from filing a report because of the hospital's refusal to provide them with information regarding the frequency of methicillin-resistant staphylococcus aureus (MRSA) infections at the hospital facility. The hospital argued that collection of the number of MRSA infections was information protected from discovery by the Illinois Medical Studies Act (IMSA) as data used for purposes of internal quality control and improving patient care. The appellate court disagreed, finding that the infection data would be generated in the course of the hospital's business and any later submission to a committee for quality-assurance purposes would not render it protected. On remand, the facility was ordered to determine and communicate the number of MRSA infections at the facility during the pertinent timeframe. *Zangara v. Advocate Christ Medical Center, Paul Gordon; Ajay Parikh; and Sunil Shah*, 1-09-1911 (1st Dist. 2011); *Dziamara v. Advocate Christ Medical Center, and Illinois Corporation a/k/a Advocate Health and Hospitals Corporation, Manor Care of Palos Heights*, 1-09-1914 (1st Dist. 2011). The appellate court's ruling appears to label the collection of infection information in-house as efforts made in the "regular course of business" and therefore not protected from discovery by the IMSA.

For further information, please contact your regular [Hinshaw attorney](#).

*This alert has been prepared by Hinshaw & Culbertson LLP to provide information on recent legal developments of interest to our readers. It is not intended to provide legal advice for a specific situation or to create an attorney-client relationship.*

#### Service Areas

Technology Errors & Omissions