

## Winston Proves Hospitals Are Immune From Damages for Dismissal of Medical Staff When Motivated by the Improvement of Patient Care

The Illinois Supreme Court unanimously found in favor of client NorthShore University HealthSystem in a case Winston handled for nearly a decade. The plaintiff, Dr. Steven Valfer, sought damages under various antitrust, contract, and tort theories based on the revocation of his physician privileges at Evanston Hospital in 2002. Winston prevailed at every stage of the case, including the trial court in 2013, an unanimous appellate court in 2015, and the Illinois Supreme Court. With its ruling that NorthShore was immune from Dr. Valfer's suit by virtue of the Illinois Hospital Licensing Act statute that grants immunity to hospital personnel decisions based on patient safety and quality of care, the Illinois Supreme Court established new controlling law for all Illinois hospitals. The case is also important because it represents the first time the Illinois Supreme Court has specifically recognized that the Licensing Act's purpose "is to encourage peer review by health care providers and...to foster self-policing by the medical profession in matters unique to that profession and to thereby promote the legitimate State interest in improving the quality of health care." Illinois law now prescribes that hospitals are immune from civil damages for the dismissal or removal of a member of the medical staff when motivated by the improvement of patient care.

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