

# Supreme Court Summaries

## Opinions filed May 19, 2016

### **Valfer v. Evanston Northwestern Healthcare, 2016 IL 119220**

Appellate citation: 2015 IL App (1st) 142284

JUSTICE THOMAS delivered the judgment of the court, with opinion.

Chief Justice Garman and Justices Freeman, Kilbride, Karmeier, Burke, and Theis concurred in the judgment and opinion.

A doctor whose privileges to practice at a hospital were revoked by hospital management sought to recover civil damages, but his 2007 lawsuit was rejected by the circuit court of Cook County, the appellate court, and by the Illinois Supreme Court in this decision. Steven I. Valfer is an obstetrician and gynecologist who has been licensed to practice medicine since 1975. He filed suit against Evanston Northwestern Healthcare, known now as NorthShore University HealthSystem, on various grounds including breach of contract. In 2014, after seven years of proceedings in the circuit court, the hospital was successful in obtaining a summary judgment in its favor on plaintiff's breach of contract count, the sole remaining claim in the case. The hospital had argued that it was immune under the Hospital Licensing Act and that it had not violated its bylaws. In conducting a peer review, the hospital had concluded that the doctor performed too many surgeries, including, as an example, the removal of a woman's ovaries under circumstances in which this did not appear to be called for. Plaintiff complained that some of the physicians who took part in the peer review were competitors in his specialty.

In this decision, the supreme court held that the immunity provided by the Hospital Licensing Act protects the hospital and that, insofar as the language of that statute contains an exception for wilful and wanton misconduct, that exception is not applicable here. The supreme court noted that the plaintiff may have access to other forms of legal relief, but, as to the remedies he sought here, the courts below were affirmed.