



2003 ASSEMBLY BILL 983

March 11, 2004 - Introduced by Representatives WASSERMAN, HINES, HAHN, BERCEAU, MOLEPSKE and TURNER, cosponsored by Senator RISSER. Referred to Committee on Rules.

- 1 **AN ACT to amend** 655.27 (6) of the statutes; **relating to:** the purpose of the
2 injured patients and families compensation fund.

Analysis by the Legislative Reference Bureau

The health care liability provisions of the statutes require certain health care providers to carry health care liability (medical malpractice) insurance with liability limits of at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year. Any portion of a medical malpractice claim that exceeds the policy limits is paid by the injured patients and families compensation fund (fund) for health care providers that are subject to the health care liability provisions. Money for the fund comes from annual fees paid by those health care providers.

Current law provides that the fund is established to curb the rising costs of health care by financing part of the liability incurred by health care providers, that the fund is held in irrevocable trust for the sole benefit of health care providers and proper claimants, and that the fund may not be used for any other purpose of the state. This bill provides that the purposes for which moneys in the fund may not be used include returning to health care providers any surplus moneys derived from fees paid by the health care providers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

