

2005 DRAFTING REQUEST

Bill

Received: 03/03/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: Scott Becher

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Legislature - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wieckert@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit changing purpose of patients compensation fund before 2020

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 03/03/2005	kfollett 03/04/2005		_____			
/1			pgreensl 03/04/2005	_____	mbarman 03/04/2005	Inorthro 03/09/2005	

FE Sent For:

<END>

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/?	pkahler	1/1 k 3/4	3/4 pv	3/4 self			

FE Sent For:

<END>

3-3

Scott Becker - Wacker

want to "preempt" the budget bill provision
that transfers \$ from patients comp fund -
I said best way - only way - is not to pass that
part of budget bill - could do an amendment
to take it out

Scott suggested a bill that prohibits changing
the purpose of the fund - as currently
stated. I explained that it would not be
effective to prohibit amendments - just repeal
or amend the prohibition.



State of Wisconsin
2005 - 2006 LEGISLATURE

other

LRB-2334/7

PJK: [signature]

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Draft

generat

1 AN ACT ...; relating to: prohibiting legislation to change 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, before January 1, 2020, the legislature may not enact a bill that changes the purpose of the fund.

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

3 SECTION 1. 655.27 (6) of the statutes is renumbered 655.27 (6) (a).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2334/dn
PJK...

Date

Note that, even if this bill is passed and not vetoed, another bill could be introduced that repeals the newly created paragraph in this bill draft and changes the purpose of the fund. That is at least one of the reasons behind the phrase "the hands of the legislature cannot be tied."

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2334/1dn
PJK:kjf:pg

March 4, 2005

Note that, even if this bill is passed and not vetoed, another bill could be introduced that repeals the newly created paragraph in this bill draft and changes the purpose of the fund. That is at least one of the reasons behind the phrase "the hands of the legislature cannot be tied."

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Northrop, Lori

From: Becher, Scott
Sent: Wednesday, March 09, 2005 4:44 PM
To: LRB.Legal
Subject: FW: Protecting the Patient Compensation Fund – Co-Sponsorship LRB 2334/1

Please jacket

-----Original Message-----

From: Rep.Wieckert
Sent: Wednesday, March 09, 2005 3:04 PM
To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats
Subject: Protecting the Patient Compensation Fund - Co-Sponsorship LRB 2334/1

TO: All Members of the Assembly and Senate

FROM: Representative Steve Wieckert

DATE: March 9, 2005

RE: Protecting the Patient Compensation Fund - Co-Sponsorship LRB 2334/1

Dear Colleague,

I am proposing legislation, which would protect the Patient Compensation Fund by prohibiting any changes in the purpose of the fund as others may be calling for.

The PCF has been significantly valuable in moderating medical malpractice insurance costs, which in turn helps keep the cost of health insurance and health care in general lower than it would have been without it. This has been extremely helpful for Wisconsin. Doctors and medical professionals from other states actually move to Wisconsin to take advantage of this program creating a win-win situation for the doctors and for the cost of health care for citizens of Wisconsin. Therefore the fund should be protected.

Also, the fund does not contain taxpayer dollars. The PCF is funded through assessments on doctors and other medical professionals. Therefore this fund should clearly not be used for GPR purposes or in any other way except as the fund is designed for.

This bill may not be the final solution, but it is a step in the right direction. We need to be active in finding ways to preserve and protect the Patient Compensation Fund to help reduce the pressures that cause health care costs to increase.

If you would like to co-sponsor this bill please call Scott Becher at 266-3070 by **March 16, 2005**.

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