

Assembly

Record of Committee Proceedings

Committee on Insurance

Assembly Bill 766

Relating to: recovery of noneconomic damages in medical malpractice cases.

By Representatives Gielow, Huebsch, Nischke, Gard, Freese, Gottlieb, Gundrum, Hahn, Honadel, Hundertmark, Jensen, Jeskewitz, Kerkman, Kestell, Kreibich, Lamb, Loeffelholz, McCormick, Moulton, Mursau, Rhoades, Strachota, Van Roy, Vos, M. Williams, Wieckert, Nerison, Underheim, Suder, Friske, Owens and Petrowski; cosponsored by Senators S. Fitzgerald, Kapanke, Brown, Darling, Ellis, Grothman, Kanavas, Kedzie, A. Lasee, Lazich, Leibham, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien.

October 17, 2005 Referred to Committee on Insurance.

October 18, 2005 **PUBLIC HEARING HELD**

Present: (13) Representatives Nischke, Wieckert,
 Underheim, Montgomery, Gielow, Ballweg,
 Moulton, Cullen, Lehman, Staskunas, Berceau,
 Nelson and Sheridan.

Absent: (2) Representatives McCormick and Van Roy.

Appearances For

- Curt Gielow — Representative
- Scott Fitzgerald — Senator
- Eric Borgerding — Mr., Wisconsin Hospital Association
- Mark Grapentine — Mr., Wisconsin Medical Society
- Rob Walling, Bloomington — Mr., Wisconsin Hospital Association and Wisconsin Medical Society
- Charles Sammis, MD, Madison — Mr., Wisconsin Academy of Family Physicians
- Meetul Shah, MD, Madison — Mr., Wisconsin Academy of Family Physicians
- Claudine Taub, Nekoosa — Ms., Ministry Health Care
- Robert Phillips, MD, Madison — Mr., Marshfield Clinic

Appearances Against

- Daniel Rottier, Madison — Attorney, Wisconsin Academy of Trial Lawyers
- Michael Riley, Madison — Mr., State Bar of Wisconsin
- Cindi Ferdon, Abrams — Ms.

- Dennis Ferson, Abrams — Mr.
- Kim Zak, Crivitz — Mrs.
- Elizabeth Morrison, Madison — Ms.
- Eric Rice, Middleton — Mr., Wisconsin Family Justice Network

Appearances for Information Only

- None.

Registrations For

- Nick George, Madison — Mr., WMC
- Ron Kuehn, Madison — Mr., IIAW, PIAW, and NAIIA
- Maureen McNally, Milwaukee — Ms., Froedtert & Community Health
- Elizabeth Schumacher, Madison — Ms., Meriter Health Services
- Barbara Connelly, Brookfield — Ms., Medical College of Wisconsin, Affiliated Hospitals
- Mark Adams, Verona — Mr.
- Tim McGinn, Madison — Mr., Wisconsin Health Care Association
- Kenyon Kies, Madison — Mr., Wisconsin Utility Investors, Inc.
- Bill G. Smith, Madison — Mr., National Federation of Independent Business (NFIB)
- Joe Leibham — Senator
- Jaime Hook, Madison — UW Medical Students
- Michael Welsh, Madison — Mr., Wisconsin Academy of Family Physicians
- Kathryn Kuhn, Milwaukee — Ms., Medical College of Wisconsin
- Jerry Deschane, Madison — Mr., Wisconsin Builders Association
- Kevin Kortsch, Waukesha — Mr., Wisconsin Society of Podiatric Medicine
- John Buonora, Madison — Mr., Wisconsin Association of Nurse Anesthetists
- Jim Hough, Madison — Mr., WCCJ, CTCU, and WEDA
- Carol Gilles, MD, Oak Creek — Ms.
- Ralph Topinka, Janesville — Mr., Mercy Health Systems

Registrations Against

- Linda Kleinschmidt — Ms., Wisconsin Council on Children & Families
- Dave Zak, Crivitz — Mr.

- Lisa Roys, Madison — Ms., State Bar of Wisconsin
- Don Garner-Gerhardt, Wausau — Mr., Teamsters Union
- Joanne Ricca, Milwaukee — Ms., WI State AFL-CIO
- Darcy Haber, Madison — Ms., Wisconsin Citizen Action

October 19, 2005

EXECUTIVE SESSION HELD

Present: (15) Representatives Nischke, Wieckert, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg, Moulton, Cullen, Lehman, Staskunas, Berceau, Nelson and Sheridan.

Absent: (0) None.

Moved by Representative Cullen, seconded by Representative Lehman that **Assembly Amendment LRBA1202 /1** be recommended for introduction.

Ayes: (6) Representatives Cullen, Lehman, Staskunas, Berceau, Nelson and Sheridan.

Noes: (9) Representatives Nischke, Wieckert, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg and Moulton.

INTRODUCTION OF ASSEMBLY AMENDMENT LRBA1202 /1 NOT RECOMMENDED, Ayes 6, Noes 9

Moved by Representative Gielow, seconded by Representative Van Roy that **Assembly Bill 766** be recommended for passage.

Ayes: (9) Representatives Nischke, Wieckert, Underheim, Montgomery, McCormick, Gielow, Van Roy, Ballweg and Moulton.

Noes: (6) Representatives Cullen, Lehman, Staskunas, Berceau, Nelson and Sheridan.

PASSAGE RECOMMENDED, Ayes 9, Noes 6



 Adam Peer
 Committee Clerk