



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5510/1
SWB:kjf

2019 ASSEMBLY BILL 995

March 2, 2020 - Introduced by Representative SINICKI. Referred to Committee on Judiciary.

1 **AN ACT to amend** 655.017, 893.55 (4) (b) and 893.55 (4) (d) 1.; and **to repeal and**
2 **recreate** 893.55 (1d) of the statutes; **relating to:** recovery of noneconomic
3 damages in medical malpractice cases.

Analysis by the Legislative Reference Bureau

This bill increases the current law limit on noneconomic damages for injuries resulting from medical malpractice by establishing a limit of \$3,000,000 on noneconomic damages for each occurrence of medical malpractice.

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

4 **SECTION 1.** 655.017 of the statutes is amended to read:
5 **655.017 Limitation on noneconomic damages.** The amount of
6 noneconomic damages recoverable by a claimant or plaintiff under this chapter for
7 acts or omissions of a health care provider if the act or omission occurs on or after
8 ~~April 6, 2006~~ the effective date of this section [LRB inserts date], and for acts or
9 omissions of an employee of a health care provider, acting within the scope of his or

ASSEMBLY BILL 995**SECTION 1**

1 her employment and providing health care services, for acts or omissions occurring
2 on or after ~~April 6, 2006~~ the effective date of this section ... [LRB inserts date], is
3 subject to the limits under s. 893.55 (4) (d) and (f).

4 **SECTION 2.** 893.55 (1d) of the statutes is repealed and recreated to read:

5 893.55 (1d) The objective of the treatment of this section is to ensure affordable
6 and accessible health care for all of the citizens of Wisconsin while providing
7 adequate compensation to the victims of medical malpractice. Achieving this
8 objective requires a balancing of many interests. The legislature finds that the
9 limitation of \$3,000,000 represents an appropriate balance between providing
10 reasonable compensation for noneconomic damages associated with medical
11 malpractice and ensuring affordable and accessible health care.

12 **SECTION 3.** 893.55 (4) (b) of the statutes is amended to read:

13 893.55 (4) (b) The total noneconomic damages recoverable for bodily injury,
14 including any action or proceeding based on contribution or indemnification and any
15 action for a claim by a person other than the injured person for noneconomic damages
16 recoverable for bodily injury, may not exceed the limit under par. (d) for each
17 occurrence on or after ~~April 6, 2006~~ the effective date of this paragraph ... [LRB
18 inserts date], from all health care providers and all employees of health care
19 providers acting within the scope of their employment and providing health care
20 services who are found negligent and from the injured patients and families
21 compensation fund.

22 **SECTION 4.** 893.55 (4) (d) 1. of the statutes is amended to read:

