



2001 SENATE BILL 217

July 10, 2001 - Introduced by Senators GEORGE and DECKER, cosponsored by Representatives BOCK, REYNOLDS, YOUNG, PLOUFF, TURNER, WILLIAMS, GRONEMUS and MORRIS-TATUM. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT to amend** 655.017, 893.55 (4) (b) and 893.55 (4) (d) of the statutes;
2 **relating to:** removing the maximum amount recoverable for noneconomic
3 damages in future medical malpractice cases.

Analysis by the Legislative Reference Bureau

Under current law, if an individual suffers injury as the result of an act or omission of a private health care provider, such as a physician at a private hospital, the individual may bring an action to recover damages for that medical malpractice. Current law allows the individual injured to recover all of his or her economic damages, such as the costs of additional medical care or the loss of earnings, resulting from the medical malpractice. However, current law limits the amount the individual may recover for his or her noneconomic damages, such as loss of society and companionship or for the individual's pain and suffering, resulting from the medical malpractice. The limit on noneconomic damages is \$350,000, adjusted for inflation.

This bill removes the limit on the recovery of noneconomic damages resulting from the private medical malpractice for all incidents that occur after the enactment of this bill.

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

SENATE BILL 217**SECTION 1**

1 **SECTION 1.** 655.017 of the statutes is amended to read:

2 **655.017 Limitation on noneconomic damages.** The amount of
3 noneconomic damages recoverable by a claimant or plaintiff under this chapter for
4 acts or omissions of a health care provider if the act or omission occurs on or after May
5 25, 1995, and before the effective date of this section [revisor inserts date], and
6 for acts or omissions of an employee of a health care provider, acting within the scope
7 of his or her employment and providing health care services, for acts or omissions
8 occurring on or after May 25, 1995, and before the effective date of this section
9 [revisor inserts date], is subject to the limits under s. 893.55 (4) (d) and (f).

10 **SECTION 2.** 893.55 (4) (b) of the statutes is amended to read:

11 893.55 (4) (b) The total noneconomic damages recoverable for bodily injury or
12 death, including any action or proceeding based on contribution or indemnification,
13 may not exceed the limit under par. (d) for each occurrence on or after May 25, 1995,
14 and before the effective date of this paragraph [revisor inserts date], from all
15 health care providers and all employees of health care providers acting within the
16 scope of their employment and providing health care services who are found
17 negligent and from the patients compensation fund.

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

19 893.55 (4) (d) The limit on total noneconomic damages for each occurrence
20 under par. (b) on or after May 25, 1995, and before the effective date of this paragraph
21 [revisor inserts date], shall be \$350,000 and shall be adjusted by the director of
22 state courts to reflect changes in the consumer price index for all urban consumers,
23 U.S. city average, as determined by the U.S. department of labor, at least annually

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1 thereafter, with the adjusted limit to apply to awards subsequent to such
2 adjustments.

3 (END)