AN ACT to amend 655.017, 893.55 (4) (b) and 893.55 (4) (d) 1.; and to repeal and recreate 893.55 (1d) of the statutes; relating to: recovery of noneconomic 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:

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

655.017  Limitation on noneconomic damages. The amount of noneconomic damages recoverable by a claimant or plaintiff under this chapter for acts or omissions of a health care provider if the act or omission occurs on or after April 6, 2006 the effective date of this section .... [LRB inserts date], and for acts or omissions of an employee of a health care provider, acting within the scope of his or
her employment and providing health care services, for acts or omissions occurring
on or after April 6, 2006 the effective date of this section .... [LRB inserts date], is
subject to the limits under s. 893.55 (4) (d) and (f).

SECTION 2. 893.55 (1d) of the statutes is repealed and recreated to read:

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

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

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

SECTION 4. 893.55 (4) (d) 1. of the statutes is amended to read:
893.55 (4) (d) 1. The limit on total noneconomic damages for each occurrence under par. (b) on or after April 6, 2006, the effective date of this subdivision, shall be $750,000.

(END)