2021 ASSEMBLY BILL 924

January 28, 2022 - Introduced by Representative SINICKI, cosponsored by Senator JOHNSON. Referred to Committee on Judiciary.

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.

Under current law, for each occurrence on or after April 6, 2006, 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) is limited to no more than $750,000 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. The bill changes that limit to $3,000,000 for cases involving acts or omissions occurring after the bill goes into effect.

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SECTION 2. 893.55 (1d) of the statutes is repealed and recreated to read: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 ..., [LRB inserts date], shall be $750,000 $3,000,000.

(END)