



2023 ASSEMBLY BILL 872

January 2, 2024 - Introduced by Representatives SINICKI, CABRERA, BALDEH, DRAKE, EMERSON, JACOBSON, MADISON, OHNSTAD, ORTIZ-VELEZ, RATCLIFF and STUBBS, cosponsored by Senator TAYLOR. 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.

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:

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

ASSEMBLY BILL 872**SECTION 1**

1 **655.017 Limitation on noneconomic damages.** The amount of
2 noneconomic damages recoverable by a claimant or plaintiff under this chapter for
3 acts or omissions of a health care provider if the act or omission occurs on or after
4 ~~April 6, 2006~~ the effective date of this section ... [LRB inserts date], and for acts or
5 omissions of an employee of a health care provider, acting within the scope of his or
6 her employment and providing health care services, for acts or omissions occurring
7 on or after ~~April 6, 2006~~ the effective date of this section ... [LRB inserts date], is
8 subject to the limits under s. 893.55 (4) (d) and (f).

9 **SECTION 2.** 893.55 (1d) of the statutes is repealed and recreated to read:

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

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

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

ASSEMBLY BILL 872

1 services who are found negligent and from the injured patients and families
2 compensation fund.

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

4 893.55 (4) (d) 1. The limit on total noneconomic damages for each occurrence
5 under par. (b) on or after ~~April 6, 2006~~ the effective date of this subdivision [LRB
6 inserts date], shall be ~~\$750,000~~ \$3,000,000.

7 (END)