



State of Wisconsin
2005 - 2006 LEGISLATURE

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**SENATE AMENDMENT 2,
TO 2005 SENATE BILL 393**

November 4, 2005 – Offered by COMMITTEE ON AGRICULTURE AND INSURANCE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 2: after that line insert:

3 “4. No monetary award can adequately compensate an injured person or a
4 member of the injured person’s family for the pain and suffering and other
5 noneconomic damages associated with an injury caused by medical malpractice.

6 5. A stable environment regarding resolution of medical malpractice claims is
7 an important factor in retaining and recruiting health care providers to practice in
8 Wisconsin.

9 6. Assumption by the fund of responsibility for a portion of medical malpractice
10 claims decreases costs to health care providers, which will aid in retaining and
11 recruiting health care providers to practice in Wisconsin.

7. Stability and predictability of costs of a fund maintained for the purpose of paying damages awarded to medical malpractice victims assures all victims reasonable compensation for their loss.”.

2. Page 5, line 10: delete “\$550,000” and substitute “\$1,500,000”.

3. Page 5, line 11: delete “\$450,000” and substitute “\$1,000,000”.

4. Page 5, line 12: after “injury” insert “. In addition, the limit on total noneconomic damages for each occurrence under par. (b) on or after the effective date of this subdivision [revisor inserts date], for each person listed under s. 655.007 having a derivative claim for injury on account of malpractice is \$100,000, except that if a parent or guardian of a child under the age of 18 is the injured party, then the limit of \$100,000 for the child’s derivative claim is increased by \$20,000 for each year that the child’s age is under the age of 17 at the time of the parent’s of guardian’s injury. The \$100,000 limit on derivative claims and the \$20,000 adjustment on a child’s derivative claim shall be adjusted by the director of state courts to reflect changes in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, at least annually thereafter, with the adjusted limits to apply to awards subsequent to such adjustments”.

(END)