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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2005 Assembly Bill 1073**

**Assembly  
Amendment 1**

*Memo published:* March 3, 2006

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*Current statutes* provide that if a defendant in a medical malpractice case is required to pay noneconomic damages, the amount of those damages is limited to \$350,000, adjusted annually to reflect changes in the Consumer Price Index. (The current limit is \$445,755.) In 2005, the Wisconsin Supreme Court held that this limit is unconstitutional.

**2005 Assembly Bill 1073** creates a limit on noneconomic damages for each occurrence of medical malpractice of \$750,000. The bill requires the Board of Governors of the Injured Patients and Families Compensation Fund and the mandatory health care liability risk-sharing plan (Wisconsin Health Care Liability Insurance Plan) to submit a report to the Legislature by January 1 of every odd-numbered year of any recommended changes to this limit. If change is recommended, the report must include the reasons why the changes are necessary to meet the intent of legislative findings set forth in the bill. The bill sets forth the objective of the limit and the means of accomplishing the objective, including citations to various reports.

**Assembly Amendment 1** to Assembly Bill 1073 is a technical correction to refer to a 2003 U.S. Department of Health and Human Services study. (The bill omitted the word “study.”)

**Legislative History**

The Assembly Committee on Insurance recommended passage of the bill on a vote of Ayes, 11; Noes, 3. Assembly Amendment 1 was offered by Representative Gielow. It was adopted by the Assembly on a voice vote. The Assembly then recommended passage of the bill, as amended, on a vote of Ayes, 74; Noes, 22; Paired 2.

JLK:rv