

Malpractice cap needed to maintain good care

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Letter to the Editor

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Last summer, the Wisconsin Supreme Court overturned a law that put a cap on non-economic damages awarded in medical liability cases, often referred to as pain and suffering damages. The result has shaken the health care industry, and already damaged the ability to recruit much-needed physicians to all parts of the state.

The reason is that physicians and other health care providers are worried that the cost of malpractice insurance will skyrocket if there is no limit on damages. In states such as Illinois, unaffordable insurance premiums drove specialists such as neurosurgeons and OB-GYNs into neighboring states.

For many years, north central Wisconsin has enjoyed excellent health care resources, thanks in part to easy access to talented physicians from a broad range of specialties.

That's why the legislation recently introduced by Rep. Curt Gielow and Sen. Scott Fitzgerald is vital to maintaining a strong health care system in Wisconsin. The bill would place a \$750,000 cap on damages for pain and suffering in medical malpractice cases. It is important to note that the bill is not proposing a cap on economic damages that injured patients can seek. Economic damages apply to medical costs and loss of future earnings.

As all people working in health care, I want those injured by medical malpractice to be duly compensated for their loss. And I know we can do that without driving physicians out of Wisconsin.

With three decades of health care experience, I understand that a stable medical liability environment is important to the recruitment and retention of physicians -- especially those who perform high-risk procedures. Wisconsin has enjoyed a decade-long edge attracting physicians who simply wouldn't consider practicing in states like Illinois and Alabama, where the medical liability environment received near-failing grades in a recent national report card.

Wisconsin residents take for granted that appropriate care will always be available when they need it. That luxury has disappeared in other states and we can't wait for a similar fate; legislators should pass the proposed bill before adjourning this spring.

Dark clouds appeared last month when a Dane County court awarded a medical liability plaintiff \$4 million in economic damages, plus \$4.25 million in non-economic damages. Every such ruling brings us closer to the bleak future described in an Aug. 9 Wall Street Journal editorial discussing the Wisconsin Supreme Court's decision to repeal the malpractice cap. "The implications for Wisconsin's economy, which depends both on health care and manufacturing, are onerous," the editorial read. "The last thing Wisconsin needs is a reputation as a cold-weather Alabama."

The bill proposed is fair, and has been endorsed by the Wisconsin Hospital Association and the Wisconsin Medical Society. I encourage you to contact your legislators and urge them to support it.