



Hospital Association, Medical Society Hail Legislation to Restore Damage Cap *Urge rapid, bipartisan passage*

MADISON (February 21, 2006) ----- Leaders from the Wisconsin Hospital Association (WHA) and the Wisconsin Medical Society (the Society) today hailed a new legislative proposal that would reinstate a cap on non-economic damages (pain and suffering) at \$750,000.

On July 14, 2005, the Wisconsin Supreme Court overturned the state's ten-year-old cap on non-economic damages, throwing Wisconsin's once envied medical liability system into turmoil. Since then, physicians have cancelled recruiting visits to Wisconsin, premiums for the Injured Patients and Families Compensation Fund (IPFCF) have increased by 25 percent, four awards have already exceeded the previous cap, the number of lawsuits in excess of \$1 million are up by over 22 percent, and a stunning \$8.4 million verdict was handed down in Dane County. That's why reinstating a cap as soon as possible has been a top priority for both WHA and the Society.

"We have said all along that it was our desire to move ahead with a straightforward bill that reinstates an effective cap on non-economic damages, period -- no politics, no other bells and whistles, and that is exactly what this legislation accomplishes," said WHA President Steve Brenton. "The writing is so clearly on the wall and we simply can't sit around and watch our state slip into a medical access crisis. We have to fix the cap this session, and we appreciate all the bipartisan support that has been voiced for this approach."

"This bill helps doctors concentrate on what concerns them the most: caring for patients," said Susan Turney, MD, CEO/EVP of the Wisconsin Medical Society. "It doesn't change the fact that injured patients are fully compensated for their economic losses yet helps to maintain access to health care in Wisconsin."

The proposal also requires a review of the cap every two years by the Board of Governors of the IPFCF. The Board is also required to recommend any changes to the cap amount to the Legislature, and include its reasoning for such changes.

"We looked very closely at the Court's decision, weighed many of the arguments made both in support and against a cap," said former Supreme Court Justice William Bablitch. "I believe strongly that this new proposal addresses many of the key concerns raised by the Court and strikes the right balance between the need to fairly compensate victims of malpractice with the absolute necessity of keeping health care accessible in Wisconsin."

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Justice Bablitch, who served 20 years as a member of the Wisconsin Supreme Court, assisted the Society and WHA in developing many of the concepts incorporated into the legislation. Prior to his service on the Court, Bablitch served in the State Senate for eleven years, including seven years as the Democratic Senate Majority Leader. Bablitch is currently a partner at Michael Best & Friedrich, serving part time primarily as an appellate and legislative consultant.

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For more information on medical liability go to:

Wisconsin Medical Society: www.keepdoctorsinwisconsin.org

Wisconsin Hospital Association: www.wha.org