

Wisconsin Hospital Association, Inc.



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WHA Responds to Wisconsin State Assembly Vote on Non-economic Damage Limits

MADISON (March 2, 2006) ----- The Wisconsin Hospital Association (WHA) praised the Wisconsin State Assembly's support for restoring limits on **non-economic damage awards**. WHA President Steve Brenton described the vote as "proof positive that overwhelming, bi-partisan support exists for addressing tomorrow's access to care crisis...**today!**" The Assembly vote was overwhelming, 74 to 22 in support of AB 1073.

WHA has made passage of AB 1073 its **highest priority** for the 2005-06 legislative session. The bill includes the following notable features:

- Is 68 percent **higher** than Wisconsin's previous cap, which was overturned by the Wisconsin Supreme Court in July because it was too low.
- Requires a review of a cap amount every two years by the Board of Governors to the Injured Patients and Families Compensation Fund (IPFCF). Board findings must be reported to the Wisconsin Legislature.
- Has an extensive, evidence-based legislative record that provides a solid, rational basis for a cap, as required by the Court.
- Has been extensively reviewed by Professor Gordon Baldwin, a nationally renowned constitutional scholar at the UW Law School.
- Had 61 bi-partisan cosponsors.

In supporting passage of AB 1073, WHA noted that in the seven months since the non-economic damage caps were overturned:

- The number of million dollar lawsuits that have been filed is up over 22 percent;
- Four jury awards exceeding the previous damage cap have been handed down (compared to nine such awards the previous 10 years);
- Injured Patient and Families Compensation Fund premiums increased 25 percent this year; State and local bar associations are offering seminars on how to take advantage of the absence of a damage cap; and,
- Physician recruiters all across Wisconsin are reporting that out-of-state physicians are canceling appointments or simply refusing to consider practicing in Wisconsin due to the loss of the cap.

"With today's vote, we are confident that similar bi-partisan support exists in the Wisconsin State Senate and will be demonstrated on the floor of the Senate next week," said WHA's Brenton. "Similarly, we believe that Governor Doyle should sign this landmark, bipartisan legislation and that it will meet the constitutional test of the Wisconsin Supreme Court."

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