



# KARL VAN ROY

STATE REPRESENTATIVE

**For Immediate Release**  
**Contact: Rep. Karl Van Roy**

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**1-888-534-0090**

## Legislature Acts to Fix Malpractice Crisis

*Van Roy Says Assembly's Actions Will Protect Wisconsin's Health Care System*

**MADISON** – The Wisconsin Legislature continued its work today to make quality health care affordable and accessible throughout the state when the Assembly Insurance Committee met to consider several medical liability reform measures. Most notable among the group of bills is Assembly Bill 1073, which limits non-economic medical malpractice damage awards to \$750,000. The bill passed out of committee, and is expected to be up for a vote on the Assembly floor later this week.

“As a member of the Insurance Committee and a co-author of this legislation, I am pleased we are addressing this critical issue,” said Rep. Karl Van Roy (R-Howard). “Not having a limit on non-economic medical malpractice damages is crippling Wisconsin’s health care system.”

Since the Wisconsin Supreme Court struck down a \$450,000 cap on non-economic damages last July, the health care climate in Wisconsin has taken a turn for the worse. Over the past 200 days, there has been:

- A 25 percent increase in Patient Compensation Fund premiums, a *direct* result from the Court’s July decision
- A 22 percent increase in million-dollar cases filed in the last six months, compared to the same time frame of the previous year
- A \$4.25 million non-economic damage award delivered by a Dane County jury three weeks ago
- Unprecedented physician vacancies throughout rural Wisconsin
- Physician recruiters noting cancelled out-of-state candidate interviews for jobs in Wisconsin due solely to the Supreme Court decision

These developments mean more expensive health care for Wisconsin residents. They also mean decreased access to care throughout the state.

“Without a non-economic damages cap, insurance becomes prohibitively expensive,” explained Van Roy. “As a result, the state will lose doctors who are willing to perform high-risk services, like delivering babies or treating stroke or head injury victims, and Wisconsin residents will lose access to necessary, life-saving medical care.”

Evidence from other states shows that the effects of not having a non-economic damages cap worsen over time. Within three years of eliminating the cap in Oregon, medical malpractice insurance premiums in the state soared by 332 percent and more than one-third of physicians quit delivering babies. Two counties in southern Illinois lost more than 60 doctors in a two year period because of astronomical medical malpractice rates, prompting Illinois to cap non-economic damages as the only way to stop the exodus of doctors leaving the state.

“I have heard from dozens of doctors right here in Green Bay who told me they left states without caps and came to Wisconsin because we had caps”, stated Van Roy. “Many said they would consider dropping their high risk specialty or even leaving Wisconsin if caps are not restored. Enacting this reform is critical to ensuring accessible, affordable and quality health care for Wisconsin’s patients. The sooner we act the better.”

Van Roy pointed out that the bill makes no change to current law which allows patients to collect unlimited compensation for all economic damages as a result of an injury caused by medical malpractice.

“My heart goes out to those who have suffered due to medical malpractice, and I feel this bill strikes the right balance by sufficiently compensating those few individuals without causing pain and suffering for all of Wisconsin’s patients,” said Van Roy.

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