



Michael D. Maves, MD, MBA, Executive Vice President, CEO

April 16, 2010

Wisconsin Legislature
State Capitol
Madison, WI 53707

Re: AB 291/SB 203 and AB 815/SB 628 - Oppose

Dear Wisconsin Legislator:

On behalf of the American Medical Association (AMA) and its physician and student members, I am writing to state our opposition to Assembly Bill (AB) 291/Senate Bill (SB) 203 and AB 815/SB 628. We believe that AB 291/SB 203 could harm Wisconsin's stable medical liability climate to the detriment of patients and physicians, and we are concerned that AB 815/SB 628 would add unnecessary hurdles to the litigation process without achieving results that would justify the added burdens that the bills would create. Based on these conclusions, we must respectfully request that you oppose these bills.

When the last medical liability crisis started about a decade ago, Wisconsin was one of the few states that was able to maintain a stable medical liability climate. Premiums skyrocketed around the country and access to care for patients was threatened, yet Wisconsin was able to stave off these national trends. The Wisconsin Legislature played a key role by enacting legislation that reinstated a cap on non-economic damages after the Wisconsin Supreme Court nullified the state's previous cap. This quick and decisive action by the legislature provided a cornerstone for the state's continued stable liability climate, and it also sent a clear message to Wisconsin patients and physicians that access to health care was a top legislative priority.

However, recent reports about the financial vulnerability of the Injured Patients and Families Compensation Fund (IPFCF) and the policy decisions that led to this vulnerable financial condition have generated significant concern about Wisconsin policymakers' commitment to a stable liability climate moving forward.

AB 291/SB 203

AB 291/SB 203 would expand the list of prospective plaintiffs who could file a claim for loss of society or companionship. Such an expansion would lead to more claims against physicians, which in turn, could destabilize Wisconsin's liability climate and harm access to care. These bills are also an unnecessary risk to the financial stability of the IPFCF. Based on these reasons, we strongly urge Wisconsin lawmakers to defeat these bills.

Wisconsin Legislature
April 16, 2010
Page 2

AB 815/SB 628

We are also concerned about the effect that AB 815/SB 628 would have on Wisconsin's litigation process. First, the bills would create an additional burden on defendants in the discovery process. In many instances, they would eliminate the defendant's ability to obtain the plaintiff's medical records for further investigation of a plaintiff's assertions. Second, the bills would create logistical hurdles that could lead to physicians opting not to participate in litigation-related medical exams and could lead to other unintended consequences. The AMA is fully supportive of amending the current litigation system in ways that improve it; however, we do not believe that these bills would lead to any improvements and could lead to further problems in the system. Therefore, we must respectfully request that you oppose these bills as well.

In closing, we thank you for your consideration of our thoughts on these bills, and we hope that this background information is helpful in your deliberations. If you need further information, please contact Mike Glasstetter, JD, Senior Legislative Attorney, Advocacy Resource Center, at michael.glasstetter@ama-assn.org or (312) 464-5033.

Sincerely,

A handwritten signature in black ink that reads "Michael Maves". The signature is written in a cursive, flowing style.

Michael D. Maves, MD, MBA

cc: Wisconsin Medical Society