



April 19, 2010

TO: All Representatives

FROM: Paul Merline, WHA

RE: Oppose SB 203

The Wisconsin Hospital Association (WHA) asks you to oppose Senate Bill 203, which would increase the number of medical malpractice claims by permitting adult children and the parents of adult children to make claims for loss of society and companionship in medical malpractice actions when the adult child's parent or the parent's adult child is injured.

Wisconsin's Balanced Liability System

Wisconsin's current medical liability system is unique. It is the only medical liability system in the nation that guarantees injured patients are compensated for 100 percent of their economic damages. It provides this unlimited benefit through the Injured Patients and Families Compensation Fund (funded solely through assessments on providers); generous, but capped non-economic damages; and certain restrictions on who can recover when someone else is a patient injured by medical malpractice.

Through this balanced medical liability system, Wisconsin strives to maintain an accessible health care system in which the very professionals we rely on to provide high quality health care are not driven out of business, out of state, or into retirement because of an unstable, prohibitively expensive, or simply unavailable medical malpractice insurance market. Increasing the number of medical malpractice claims could jeopardize the system.

IPFCF Strained

Even without the provisions of SB 203, Wisconsin's medical liability system faces financial challenges that threaten the balance of our medical liability system. Last session, \$200 million was transferred from the IPFCF to cover state budget shortfalls. Due in large part to this transfer, the IPFCF is now in deficit, which prompted a recent 9.9 percent increase in the assessments charged to providers. Additional increases are likely.

Meaningful health care reform must include medical malpractice reform

Medical malpractice reform must remain part of the overall health care reform debate. Proposals such as SB 203 that would lead to increasing health care costs run counter to the desired goals of increasing access to health care and reducing the overall cost of health care services.

WHA urges you to oppose SB 203 in order to maintain the balance between our medical liability and health care provider systems and instead support efforts to improve health care quality and safety without increasing health care costs.