

Bell, Gierhart & Moore, S.C.
Medical Malpractice - Recent Statutes

New limit placed on non-economic damages, effective as of April 6, 2006.

2005 Wisconsin Act 183 was signed on March 22, 2006. It sets a \$750,000 limit on non-economic damages for occurrences of medical malpractice that happen on or after April 6, 2006. The Act replaces a lower limit which was struck down by the Wisconsin Supreme Court in 2005. There is no automatic inflation adjustment to the limit, but every two years the Board of Governors of the Injured Patients and Families Compensation Fund must report to the legislature about whether changes should be made to the limit.

Chapter 655 protections and coverage by the Fund are available to doctors in their un-licensed first year after medical school.

2005 Wisconsin Act 51, effective December 17, 2005, allows medical schools in Wisconsin to elect to extend the coverage of Chapter 655 of the Wisconsin Statutes to doctors in their first year after medical school when they are not yet licensed by the State. This was done to correct an unintended gap in the statutes that became apparent following the decision in *Phelps v. Physicians Ins. Co.*, 2005 WI 85, 282 Wis.2d 69, 698 N.W.2d 643 which, because of an unintended gap in the statutes, held that in the first year after medical school a doctor was not covered by the Injured Patients and Families Compensation Fund and was not protected by the damage limits and procedural requirements of Chapter 655 of the Wisconsin Statutes which apply to all other doctors.