



Wisconsin Medical Society

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Wisconsin Medical Society disappointed with Court decision invalidating cap on noneconomic damages

Madison—The Wisconsin Medical Society expressed its extreme disappointment today following the Wisconsin Court of Appeals’ decision in *Mayo v. Wisconsin Injured Patients and Families Compensation Fund*, which threatens to destabilize Wisconsin’s well-balanced, relatively stable medical liability environment.

The decision invalidates a key component of Wisconsin’s comprehensive medical liability system, which protects the ability of injured patients to recover damages due to medical negligence while helping control health care costs and protecting access to care for all Wisconsin citizens.

“We are greatly concerned by this decision’s potential ramifications for our patients’ access to high quality care, as well as the negative impact it could have on the cost of providing that care,” said Society President Noel Deep, MD.

Wisconsin’s cap on noneconomic damages is an integral part of the state’s comprehensive medical liability system, which ensures patients are guaranteed recovery of 100 percent of economic damages, such as past and future medical expenses and lost wages, as well as up to \$750,000 for noneconomic damages such as pain and suffering. This is possible because physicians are required by law to carry insurance and to pay into an Injured Patients and Families Compensation Fund, which is also funded by Wisconsin hospitals and includes no taxpayer dollars.

“Wisconsin’s well thought-out system provides greater protection for our patients than virtually any other state in the country,” said Dr. Deep. “This decision endangers the long-term solvency of the Injured Patients and Families Compensation Fund and its ability to adequately compensate patients, and incentivizes attorneys to file questionable cases in hopes of astronomical jury awards seen in other states without caps.

“We look forward to further opportunities to explain the importance of the cap to the stability of Wisconsin’s medical liability environment and its benefits for all Wisconsin patients as this case progresses,” Dr. Deep added.

With over 12,500 members dedicated to the best interests of their patients, the [Wisconsin Medical Society](http://www.wisconsinmedical.org) is the largest association of medical doctors in the state and a trusted source of health policy leadership since 1841.