



Wisconsin Medical Society

Your Doctor. Your Health.

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Medical Society prepared to protect injured patients' fund

Physician group retains attorney who successfully argued 1997 pension case

If a raid on the Injured Patients and Families Compensation Fund (IPFCF) is signed into law as part of Wisconsin's 2007-2009 biennial budget, the state's largest physician organization is prepared to protect the Fund by taking the state to court, according to Society President Clarence M. Chou, MD.

"The Fund is for injured patients and their families – not for anything else the state decides needs more funding," Chou said. "We're still working hard to try to prevent a raid from happening. But if it does, we're prepared to take our case to the courts."

Chou emphasized that the Fund is a key component of the state's medical liability climate, which the American Medical Association considers to be one of just eight states not suffering from a liability crisis or near-crisis (see attached map).

The Society has retained noted attorney Thomas M. Pyper from Madison's Whyte Hirschboeck Dudek SC law firm. Pyper successfully defended the state Employee Trust Funds Board before the Wisconsin Supreme Court in the 1997 *Wis. Ret. Teachers Ass'n v. Employee Trust Funds Bd.* case, in which the Court deemed illegal a government taking from the state's pension fund. The state was ordered to return the original taking plus interest: a total of approximately \$215 million.

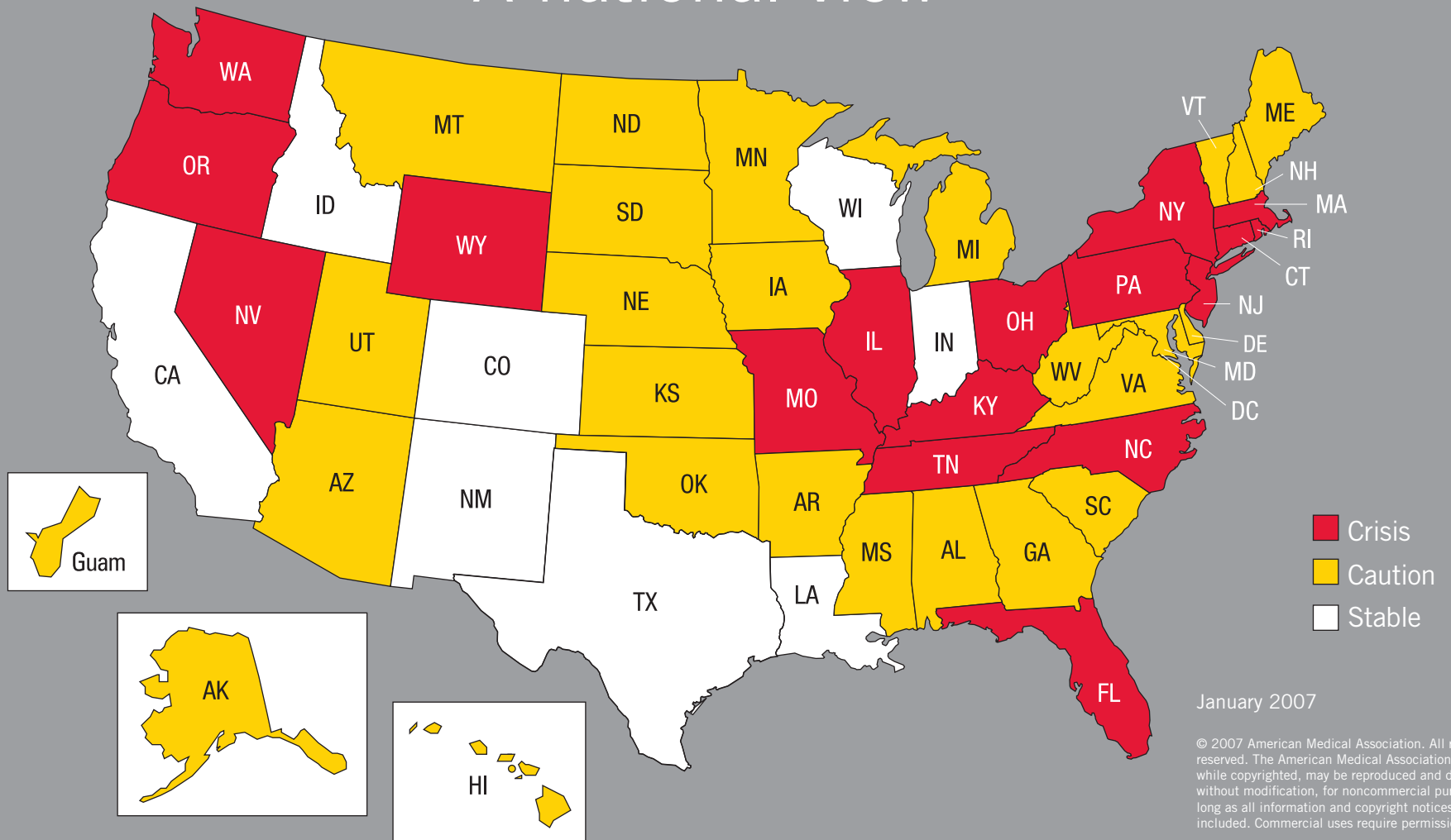
"Government taking money from this Fund is certainly problematic," Pyper said. "There are a number of compelling legal arguments that can be made if this taking occurs. We have been working closely with the Society to prepare a vigorous defense of this Fund if we need to."

The State Legislature created the IPFCF in 1975 when few insurance companies were offering adequate medical liability policies. Governors and State Legislatures let the Fund run successfully until Governor Doyle proposed a \$200 million taking as part of the 2003-2005 biennial budget. The Legislature's Joint Finance Committee removed that raid, and did so again in 2005-2007 when the Governor proposed a \$179 million taking. This session brought the third such attempt on the fund: \$175 million for costs wholly unrelated to the Fund's operations and purpose.

With more than 11,000 members dedicated to the best interests of their patients, the Wisconsin Medical Society is the largest association of medical doctors in the state and a trusted source for health policy leadership since 1841. Your Doctor. Your Health.

America's medical liability crisis

A national view



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