



Wisconsin Medical Society

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Wisconsin Medical Society commends Court decision restoring cap on noneconomic damages

Madison—The Wisconsin Medical Society today hailed the Wisconsin Supreme Court’s decision in *Mayo v. Wisconsin Injured Patients and Families Compensation Fund*, which restores the state’s cap on noneconomic damages in medical liability cases. The cap is integral to Wisconsin’s well-balanced medical liability system and patients’ access to care.

“We are very pleased with today’s decision,” said Society President Molli Rolli, MD. “The Court clearly understands the importance of the cap to our state’s unique and comprehensive medical liability system—a system that provides unparalleled benefits to both patients and physicians.”

Wisconsin is one of 31 states that have a cap on noneconomic damages, yet is one of the few states that guarantee full recovery of economic damages awarded by a jury. The system ensures that patients and their families receive 100 percent of all 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 Wisconsin physicians are required by law to carry insurance and must pay into the Injured Patients and Families Compensation Fund, which pays all damages allowed by law in excess of the physician’s primary insurance. There are no taxpayer dollars in the fund.

“The cap helps our state attract and retain top quality physicians and keep medical costs in check, and ultimately ensures Wisconsin citizens’ access to high quality care,” said Society CEO Bud Chumbley, MD. “We look forward to the stability the Court’s decision will provide.”

Today’s decision reverses a 2017 Court of Appeals decision that struck down the cap on noneconomic damages. The cap passed the Wisconsin legislature in 2005 on a strong bipartisan basis and was signed into law by then governor James Doyle. The Wisconsin Medical Society has been a strong and active proponent of the cap, including submitting three separate briefs in the *Mayo* case, jointly with the AMA Litigation Center, explaining the important benefits of the cap as part of Wisconsin’s comprehensive medical liability system.

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.