

## 2007 SENATE BILL 190

May 21, 2007 – Introduced by Senators KAPANKE, KANAVAS, OLSEN, A. LASEE, LAZICH, ROESSLER, DARLING, GROTHMAN, LEIBHAM, COWLES, S. FITZGERALD, SCHULTZ, SULLIVAN, HARSDOFF, KEDZIE and ELLIS, cosponsored by Representatives WIECKERT, M. WILLIAMS, DAVIS, PRIDEMORE, OWENS, TAUCHEN, BLACK, MEYER, NYGREN, STRACHOTA, LEMAHIEU, JESKEWITZ, BALLWEG, LOTHIAN, MUSSER, BIES, J. OTT, PETROWSKI, TOWNSEND, VAN ROY, HINES, GUNDERSON, MURSAU, F. LASEE, VOS, KAUFERT, A. OTT, WASSERMAN, SUDER, BENEDICT, HAHN and NASS. Referred to Committee on Transportation, Tourism and Insurance.

- 1     **AN ACT to amend** 655.27 (6) of the statutes; **relating to:** prohibiting the transfer  
2           of moneys from the injured patients and families compensation fund for  
3           unintended purposes.

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### *Analysis by the Legislative Reference Bureau*

The health care liability provisions of the statutes require certain health care providers to carry health care liability (medical malpractice) insurance with liability limits of at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year. Any portion of a medical malpractice claim that exceeds the policy limits is paid by the injured patients and families compensation fund (fund) for health care providers that are subject to the health care liability provisions. Money for the fund comes from annual fees paid by those health care providers.

Current law provides that the fund is established to curb the rising costs of health care by financing part of the liability incurred by health care providers, that the fund is held in irrevocable trust for the sole benefit of health care providers and proper claimants, and that the fund may not be used for any other purpose of the state. This bill provides that, before January 1, 2020, moneys in the fund may not be transferred from the fund to be used for any purpose not specifically stated under current law as a use for moneys in the fund.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

# SENATE BILL 190

**SECTION 1.** 655.27 (6) of the statutes is amended to read:

655.27 (6) PURPOSE AND INTEGRITY OF FUND. The fund is established to curb the rising costs of health care by financing part of the liability incurred by health care providers as a result of medical malpractice claims and to ensure that proper claims are satisfied. The fund, including any net worth of the fund, is held in irrevocable trust for the sole benefit of health care providers participating in the fund and proper claimants. Moneys in the fund may not be used for any other purpose of the state. Before January 1, 2020, moneys may not be transferred from the fund to be used for any purpose not specified in this chapter or s. 20.145 (2) as a use for moneys in the fund.

(E N D)