

Wisconsin Medical Malpractice Summary and Statistics

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Tort Reform Law: §893.55. As of April 2006 a non-economic damage cap of \$750,000 for medical negligence. Wrongful death actions: \$500,000 for minors and \$350,000 for adults. §895.043. Punitive damages received by the plaintiff may not exceed twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater.

	2012-2016 Average	State Rank
Annual Per Capita ¹ Malpractice costs: All Providers ²	\$2.84	51
Annual Per Capita Malpractice costs: MD/DO only	\$2.45	50
Annual Claims per 1 Million Residents	9.89	51
Annual Claims per 100 Practicing Physicians	0.24	50

Table showing the average amount paid per capita¹ each year in Wisconsin from 2012-2016 for medical malpractice claims against all practitioners as well as against physicians (MD and DO's) only. It also shows the number of paid claims per million residents and per 100 practicing physicians in Wisconsin those years.

Brief summary: Like most of the midwestern States, Wisconsin has very low medical malpractice costs most years. They've had a cap on non-economic damages since 2006. Ironically, the highest awards for malpractice cases in Wisconsin since 1990 occurred in 2010, which was four years after their tort reform law was enacted. In 2010 there were three cases that settled for awards totaling more than \$43 million.

Notes

- 1) Total amount paid in medical malpractice claims in the state each year/ the state's Population.
- 2) All practitioners includes physicians, podiatrists, dentists, nurses, hygienists, pharmacists, pharmacy techs, lab techs, physical therapists, etc...

Sources

<http://www.alllaw.com/articles/nolo/personal-injury/effect-tort-reform.html>

<http://www.nolo.com/legal-encyclopedia/state-state-medical-malpractice-damages-caps.html>

<http://www.ncsl.org/research/financial-services-and-commerce/medical-liability-medical-malpractice-laws.aspx>

http://truecostofhealthcare.net/malpractice_statistics/

<https://www.npdb.hrsa.gov/analysisistool/>

<http://www.atra.org/issues/noneconomic-damages-reform>

Graphic Summary of Medical Malpractice Incidence and Cost for Wisconsin from 1991-2017

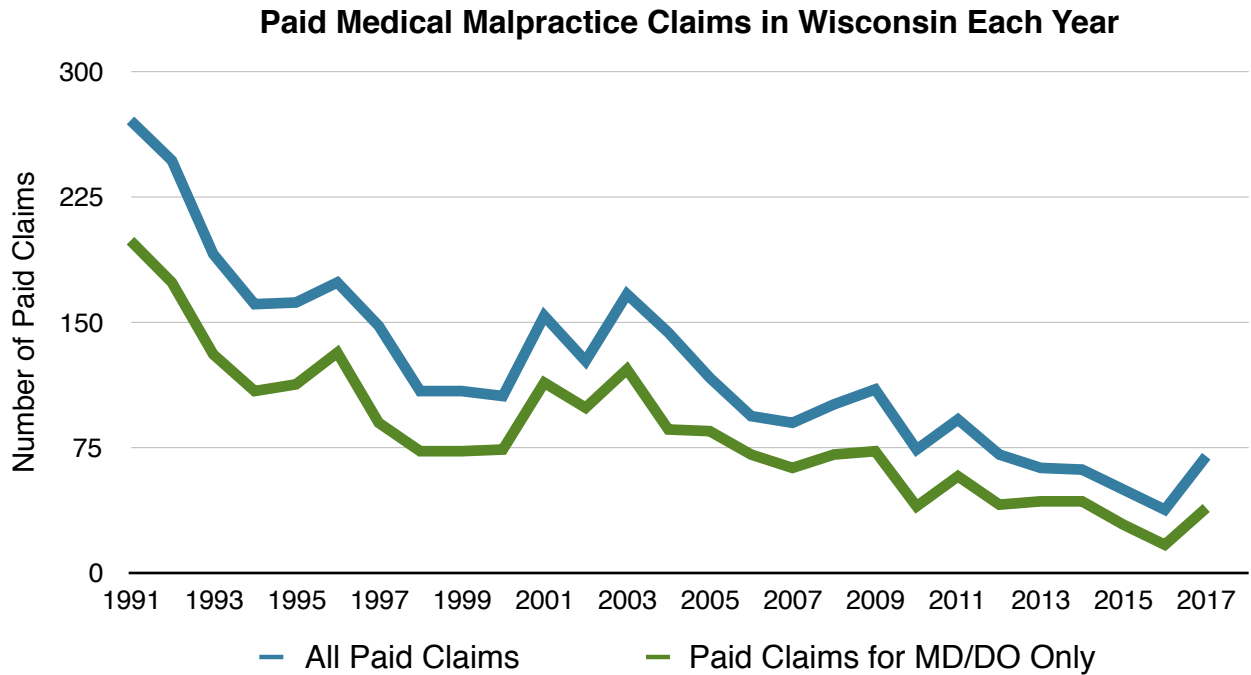


Figure 1: Total number of paid medical malpractice claims for Wisconsin from 1991-2017 for all health care practitioners combined as well as for MD/DOs only.

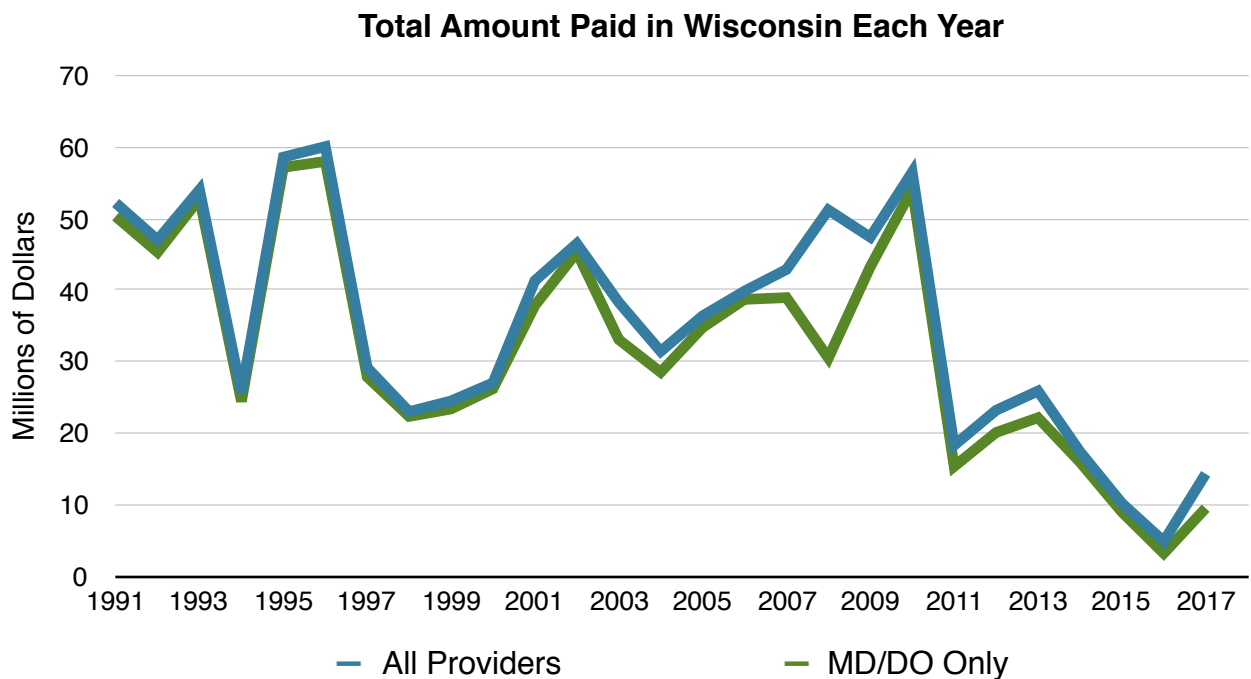


Figure 2: Total amount paid for all medical malpractice claims from 1991-2017 for all health care practitioners and MD/DOs only in Wisconsin.

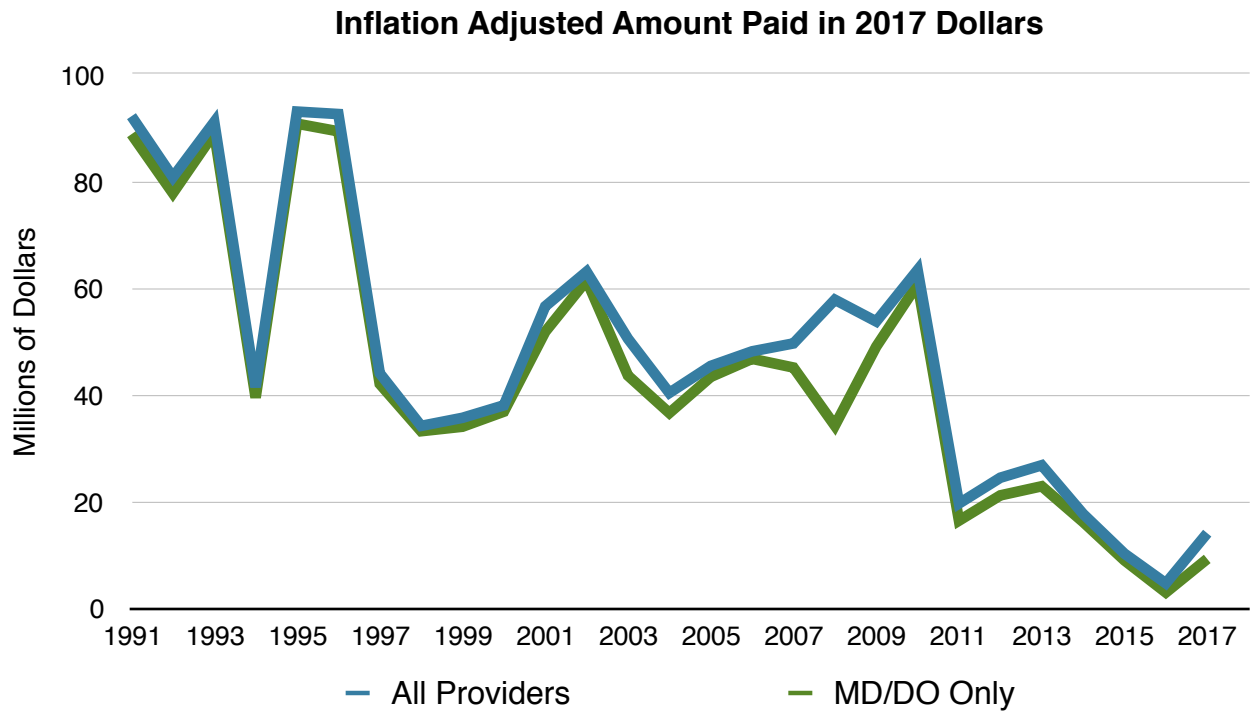


Figure 3: Figure 2 data when adjusted for inflation.