



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 36
[2005 Assembly Bill 259]

**Injured Patients and Families
Compensation Fund**

Certain health care providers are required to carry medical malpractice coverage with certain liability limits and to pay assessments into the Injured Patients and Families Compensation Fund (IPFCF), which then pays eligible claims that exceed those limits. Health care providers subject to these requirements prior to the passage of 2005 Wisconsin Act 36 were: physicians; nurse anesthetists; partnerships composed of physicians or nurse anesthetists; professional service corporations that operate for the primary purpose of providing the medical services of physicians or nurse anesthetists; cooperative sickness care associations; ambulatory surgery centers; hospitals; entities that operate as an affiliate of a hospital and provide diagnosis, treatment, or care for the hospital patients; and nursing homes whose operations are combined as a single entity with a hospital. (Exceptions apply to certain public employees, facilities, and volunteers and to certain physicians and nurse anesthetists depending on how many hours they practice each year.)

Act 36 adds another health care provider that is subject to these provisions and coverage by the IPFCF, namely, any organization or enterprise (other than a partnership or professional service corporation, which were already covered under prior law) that is organized and operated in Wisconsin for the primary purpose of providing the medical services of physicians and nurse anesthetists.

Effective Date: The Act takes effect on August 30, 2005.

Initial Applicability: The Act's provisions apply to: (a) policies issued or renewed on or after August 30, 2005; (b) policies that are in effect on August 30, 2005, that comply with ch. 655, Stats. (relating to health care liability and the IPFCF), as affected by the Act, and that cover organizations or enterprises that comply with ch. 655, as affected by the Act; (c) claims made under policies issued or renewed on or after August 30, 2005; and (d) claims made under policies that are in effect on August 30, 2005, that comply with ch. 655, as affected by the Act, and that cover organizations or enterprises that comply with ch. 655, as affected by the Act.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.