



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

December 2, 2005

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 764. This bill would require courts in medical malpractice cases to reduce the amount of damages awarded to an injured claimant, by the amount an injured claimant receives from other “collateral sources” in compensation for injuries sustained as a result of medical malpractice.

I am vetoing this bill because it unfairly allows those who commit medical malpractice to profit from health benefit payments that injured patients may receive from outside sources. Laws governing medical malpractice are supposed to deter wrongful conduct and reduce the occurrence of malpractice. AB 764 has the opposite effect: it relieves those legally responsible for medical malpractice from their obligations to pay for malpractice damages, in cases where injured patients had the foresight, or good fortune, to obtain health care benefits. That isn’t fair.

Furthermore, AB 764 is unnecessary. Injured claimants very rarely benefit from “double payments,” and most third-party payers, such as private and public health insurers, require claimants to repay any benefits they receive from their insurer when they also receive damages from a defendant in a medical malpractice action.

The Legislature should be focused on ways to protect victims from wrongful and harmful conduct, rather than relieving the legal obligations of those who commit medical malpractice. I therefore must veto this bill.

Respectfully submitted,

JIM DOYLE
Governor

