



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 242
[2013 Assembly Bill 120]

Health Care Provider Apologies

2013 Wisconsin Act 242 (the Act) provides that a statement, gesture, or the conduct of a health care provider¹ or a health care provider's employee or agent, that expresses apology, benevolence, compassion, condolence, fault, liability, remorse, responsibility, or sympathy to a patient or the patient's relative or representative is not admissible into evidence in any civil action, administrative hearing, disciplinary proceeding, mediation, or arbitration regarding the health care provider as evidence of liability or as an admission against interest.

This provision applies only to statements or gestures that are made, or conduct that occurs, **before** the commencement of a civil action, administrative hearing, disciplinary proceeding, mediation, or arbitration regarding the health care provider.

The Act first applies to statements, gestures, or conduct that occur on April 10, 2014.

Effective date: April 10, 2014.

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¹ Under the Act, the term "health care provider" includes all of the following licensed or certified personnel: a nurse; a chiropractor; a dentist; a physician, physician assistant, perfusionist, or respiratory care practitioner; a physical therapist; a podiatrist; a dietitian; an athletic trainer; an occupational therapist or occupational therapy assistant; an optometrist; a pharmacist; an acupuncturist; a psychologist; a social worker, marriage and family therapist, or professional counselor; a speech-language pathologist or audiologist; a massage therapist or bodywork therapist; an emergency medical technician; and a first responder.

The term "health care provider" includes a partnership of any of the providers listed above, a corporation or limited liability company of any providers listed above that provides health care services, or a cooperative health care association that directly provides services through salaried employees in its own facility.

The term "health care provider" also includes all of the following entities: hospitals; hospices; nursing homes; county homes; county mental hospitals; the Milwaukee County Mental Health Complex; adult family homes; a community-based residential facility; rural medical centers; and ambulance service providers.

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.wisconsin.gov>.