2005 DRAFTING REQUEST

Bill

Received: **03/31/2005**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Plale (608) 266-7505**

By/Representing: **Susie**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Plale@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Claims for medical malpractice

Instructions:

03SB187

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rnelson2 03/31/2005	chanaman 04/13/2005		_____ _____			
/1			pgreensl 04/14/2005	_____ _____	lnorthro 04/14/2005	sbasford 08/19/2005	

FE Sent For:

none needed

<END>

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<END>

2003 – 2004 LEGISLATURE

LRB–2700/1
RPN:jld:rs

2003 SENATE BILL 187

June 4, 2003 – Introduced by Senators GEORGE, PLALE and ROBSON, cosponsored by Representatives HEBL, BOYLE, YOUNG, CULLEN and JOHNSRUD. Referred to Committee on Judiciary, Corrections and Privacy.

AN ACT ***to amend*** 655.007; and ***to create*** 655.018 of the statutes; **relating to:** claims for loss of society and companionship in medical malpractice cases.

Analysis by the Legislative Reference Bureau

Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (Ct. App. 1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who died as the result of medical malpractice. This bill provides that a parent does have the right to recover for loss of society and companionship if the parent's adult child dies as the result of medical malpractice.

Under current law, as stated in *Czapinski v. St. Francis Hospital, Inc.*, 236 Wis. 2d 316 (2000), an adult child does not have the right to recover for the loss of society and companionship of a parent who died as the result of medical malpractice. This bill provides that an adult child does have the right to recover for loss of society and companionship if the adult child's parent dies as the result of medical malpractice.

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

SECTION 1. 655.007 of the statutes is amended to read:

655.007 Patients' claims. On and after July 24, 1975, any patient or the patient's representative having a claim or any spouse, parent, minor sibling, or adult

1 or minor child of the patient having a derivative claim for injury or death on account
2 of malpractice is subject to this chapter.

3 **SECTION 2.** 655.018 of the statutes is created to read:

4 **655.018 Claim by parent or adult child for loss of society and**
5 **companionship.** If a parent dies as the result of medical malpractice, the adult
6 child of that parent has a cause of action for damages for loss of society and
7 companionship against the person who committed the medical malpractice. If an
8 adult child dies as the result of medical malpractice, the parent of that adult child
9 has a cause of action for damages for loss of society and companionship against the
10 person who committed the medical malpractice. This section does not affect any
11 other claim available under this chapter.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to acts or omissions occurring on May 25, 1995.

14 **(END)**

Nelson, Robert P.

From: Schooff, Susie
Sent: Thursday, August 18, 2005 3:58 PM
To: Nelson, Robert P.
Subject: LRB 2604/1

Bob,

Can you jacket LRB 2604/1 relating to claims for loss of society and companionship in medical malpractice cases?

Thank you,

Susie Schooff
Office of Sentor Jeff Plale
608.266.7505