

2007 DRAFTING REQUEST

Bill

Received: 09/01/2006

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Sheldon Wasserman (608) 266-7671

By/Representing: Joe

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - evidence

Extra Copies:

Submit via email: YES

Requester's email: Rep.Wasserman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Doctor statement of condolences

Instructions:

See 05-4134

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 09/05/2006	jdyer 09/22/2006		_____			
/1			jfrantze 09/22/2006	_____	mbarman 09/22/2006	cduerst 01/16/2007	

FE Sent For:

<END>

↪ Not Needed

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/?	rnelson2	1 9/22 jld	9/22	Jd Rs 9/22			

FE Sent For:

<END>

Nelson, Robert P.

From: Hoey, Joseph
Sent: Wednesday, August 23, 2006 5:44 PM
To: Nelson, Robert P.

Representative Wasserman would like a redraft of 2005 Assembly Bill 1021 (LRB-4134/1) with the following changes:

1. He'd like the term "conduct" removed.
2. He'd like the terms "fault, liability, responsibility" removed.

Please let me know if you have any questions or need any additional information from me.

Thanks.

*Joseph P. Hoey
Office of State Rep. Sheldon Wasserman
P.O. Box 8953, Madison WI 53708-8953
(608) 266-7671 / 888-534-0022 (in-state only)
Joseph.Hoey@legis.state.wi.us*

2005 ASSEMBLY BILL 1021

1 **AN ACT** *to create* 904.14 of the statutes; **relating to:** inadmissibility of a
2 statement of apology or condolence by a health care provider.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 904.14 of the statutes is created to read:

4 **904.14 Inadmissibility of statement by health care provider of apology**
5 **or condolence.** (1) In this section:

6 (a) "Health care provider" has the meaning given in s. 153.01 (4t).

7 (b) "Relative" has the meaning given in s. 146.34 (1) (j).

8 (2) A statement, gesture, or conduct of a health care provider or a health care
9 provider's employee or agent, that expresses apology, benevolence, compassion,
10 condolence, fault, liability, responsibility, or sympathy to a patient or to his or her

ASSEMBLY BILL 1021

SECTION 1

1 relative or representative is not admissible into evidence or subject to discovery in
2 any civil action or administrative hearing regarding the health care provider as
3 evidence of liability or as an admission against interest.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to statements, gestures, or conduct that occur on the
6 effective date of this subsection.

7 (END)

-0101/11
JLD

2007 bill

2005 ASSEMBLY BILL 1021

February 14, 2006 - Introduced by Representatives GIELOW, ALBERS, BIES, HAHN, KRAWCZYK, JESKEWITZ, SHILLING, STRACHOTA, VAN ROY, VOS and GUNDRUM, cosponsored by Senators ROESSLER, GROTHMAN, A. LASEE, OLSEN and REYNOLDS. Referred to Committee on Judiciary.

Regen

1 AN ACT *to create* 904.14 of the statutes; **relating to:** inadmissibility of a
2 statement of apology or condolence by a health care provider. ✓

or his or her employee or agent

Analysis by the Legislative Reference Bureau

Under current law, certain types of evidence are not allowed to be admitted in a court action for various policy reasons. For example, evidence of measure taken after damage occurred that would have made the damage less likely is not admissible to prove negligence or culpable conduct in connection with the damage. As another example, no written or oral communication relating to a dispute in mediation is admissible or subject to discovery in any judicial proceeding or administrative action. benevolence, compassion ✓

This bill provides that a statement or gesture ~~conduct~~ of a health care provider that expresses apology, condolence, or sympathy to a patient or patient's relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest.

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

3 SECTION 1. 904.14 of the statutes is created to read:

4 **904.14 Inadmissibility of statement by health care provider of apology**
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ASSEMBLY BILL 1021

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1 (a) "Health care provider" has the meaning given in s. 153.01 (4t). ✓

2 (b) "Relative" has the meaning given in s. 146.34 (1) (j). ✓

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4 provider's employee or agent, that expresses apology, benevolence, compassion,
5 condolence, ~~fault, liability, responsibility,~~ or sympathy to a patient or to his or her
6 relative or representative is not admissible into evidence or subject to discovery in
7 any civil action or administrative hearing regarding the health care provider as
8 evidence of liability or as an admission against interest.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies to statements, ^{or} gestures, or conduct that occur on the
11 effective date of this subsection.

12

(END)

Duerst, Christina

From: Hoey, Joseph
Sent: Tuesday, January 16, 2007 12:10 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0101/1 Topic: Doctor statement of condolences

Please Jacket LRB 07-0101/1 for the ASSEMBLY.