



2019 ASSEMBLY BILL 940

February 24, 2020 - Introduced by Representative SINICKI. Referred to Committee on Health.

1 **AN ACT** *to amend* 655.007; and *to create* 655.0165 of the statutes; **relating to:**
2 claims for loss of society and companionship resulting from medical
3 malpractice.

Analysis by the Legislative Reference Bureau

This bill adds adult children to the list of relatives that are entitled to sue for wrongful death resulting from medical malpractice. Under current law, as stated in *Czapinski v. St. Francis Hospital, Inc.*, 236 Wis. 2d 316 (2000) and *Lornson v. Siddiqui*, 302 Wis. 2d 519 (2007), an adult child does not have the right to recover for the loss of society and companionship of a parent who dies as the result of medical malpractice. This bill provides that both minor and adult children have the right to recover for loss of society and companionship if the parent dies as the result of medical malpractice.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 655.007 of the statutes is amended to read:
5 **655.007 Patients' claims.** ~~On and after July 24, 1975, any~~ Any patient or the
6 patient's representative having a claim or any spouse, parent, minor sibling, or adult

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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.** 655.0165 of the statutes is created to read:

4 **655.0165 Claim by minor or adult child for loss of society and**
5 **companionship.** If a parent dies as the result of medical malpractice, a minor or
6 adult 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. This
8 section does not affect any other claim available under this chapter.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to acts or omissions occurring on the effective date of
11 this subsection.

12

(END)