

**2003 DRAFTING REQUEST**

**Bill**

Received: **02/11/2004**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB: **-2700**

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

By/Representing: **Susy**

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:**

Medical malpractice, loss of society and companionship

---

**Instructions:**

See Attached SB187

---

**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 02/11/2004	jdyer 02/12/2004		_____			
/1			rschluet 02/12/2004	_____	sbasford 02/12/2004	sbasford 02/12/2004	

FE Sent For:

*None  
needed*

<END>

2003 DRAFTING REQUEST

Bill

Received: 02/11/2004

Received By: rnelson2

Wanted: Soon

Identical to LRB: -2700

For: Jeffrey Plale (608) 266-7505

By/Representing: Susy

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


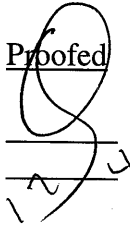
Topic:

Medical malpractice, loss of society and companionship

Instructions:

See Attached SB187

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>
1?	rnelson2	1 2/12 jld					

Please Jacketed

FE Sent For:

<END>

2/12 Nooc

2003 - 2004 LEGISLATURE

LRB-2700/1

RPN/jld/rs

4248/1  
Stays

# 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.

Regen

1 AN ACT *to amend* 655.007; and *to create* 655.018 of the statutes; **relating to:**  
2 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:*

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

4 **655.007 Patients' claims.** On and after July 24, 1975, any patient or the  
5 patient's representative having a claim or any spouse, parent, minor sibling, or adult

**SENATE BILL 187**

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<sup>X</sup> 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)