

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

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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)