

ASSEMBLY BILL 1021 (LRB -4134)

An Act to create 904.14 of the statutes; relating to: inadmissibility of a statement of apology or condolence by a health care provider.

2006

02-14.	A.	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 .	
01-01.	S.	Senator Darling added as a cosponsor.	
02-14.	A.	Read first time and referred to committee on Judiciary	806
02-23.	A.	Public hearing held.	
02-28.	A.	Executive action taken.	
02-28.	A.	Report passage recommended by committee on Judiciary, Ayes 5, Noes 3	858
02-28.	A.	Referred to committee on Rules	858
02-28.	A.	Made a special order of business at 10:12 A.M. on 3-2-2006 pursuant to Assembly Resolution 49	862
03-02.	A.	Representative Hines added as a coauthor	889
03-02.	A.	Read a second time	889
03-02.	A.	Assembly substitute amendment 1 offered by Representative Staskunas (LRB s0612)	889
03-02.	A.	Assembly substitute amendment 1 laid on table, Ayes 58, Noes 39	889
03-02.	A.	Ordered to a third reading	889
03-02.	A.	Rules suspended	889
03-02.	A.	Read a third time and passed , Ayes 63, Noes 33, Paired 2	889
03-02.	A.	Ordered immediately messaged	890
03-06.	S.	Received from Assembly	692
03-06.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	693
03-29.	S.	Public hearing held.	
03-29.	S.	Report concurrence recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 3, Noes 2	760
03-29.	S.	Available for scheduling.	
04-26.	S.	Placed on calendar 4-27-2006 by committee on Senate Organization.	
04-27.	S.	Read a second time.	
04-27.	S.	Ordered to a third reading.	
04-27.	S.	Rules suspended.	
04-27.	S.	Refused to nonconcur in, Ayes 14, Noes 18.	
04-27.	S.	Concurred in , Ayes 18, Noes 14.	
04-27.	S.	Ordered immediately messaged.	
04-27.	A.	Received from Senate concurred in.	

MB

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 4134 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

5-1-06 JR Miller
Date Enrolling Drafter

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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.

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

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.

This bill provides that a statement or 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**
5 **or condolence. (1)** In this section:

ASSEMBLY BILL 1021**SECTION 1**

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).

3 **(2)** A statement, gesture, or conduct of a health care provider or a health care
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, gestures, or conduct that occur on the
11 effective date of this subsection.

12 (END)