



**JIM DOYLE**  
**GOVERNOR**  
**STATE OF WISCONSIN**

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May 26, 2006

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

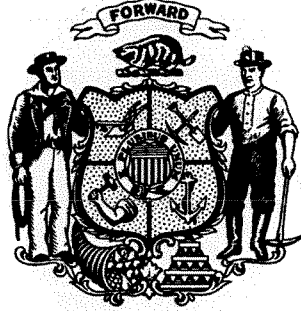
I am vetoing Assembly Bill 1021. The bill makes any statement, gesture or conduct that expresses apology, benevolence, compassion, condolence, fault, liability, responsibility or sympathy made by a health care provider to a patient or the patient's relative or representative inadmissible as evidence of liability.

I am vetoing Assembly Bill 1021 because it is entirely too broad. Encouraging health care providers to openly communicate with their patients, and express apologies and condolences, may well be a legitimate public policy objective, but this bill goes far beyond that. Assembly Bill 1021 would make inadmissible statements and conduct that express fault or liability. For example, if a doctor were to admit to a patient that he or she has committed malpractice, those statements would not be admissible under this bill. Further, Assembly Bill 1021 also applies to "conduct" that expresses fault – conduct that could include the act of malpractice itself. This bill goes far beyond protecting statements of apology or condolence, and I cannot sign it into law.

Respectfully submitted,

JIM DOYLE  
Governor

# State of Wisconsin



2005 Assembly Bill 1021

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

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

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

**SECTION 1.** 904.14 of the statutes is created to read:  
**904.14 Inadmissibility of statement by health care provider of apology or condolence.** (1) In this section:

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

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

(2) A statement, gesture, or conduct of a health care provider or a health care provider's employee or agent,

that expresses apology, benevolence, compassion, condolence, fault, liability, responsibility, or sympathy to a patient or to his or her 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.

**SECTION 2. Initial applicability.**

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

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\* Section 991.11, WISCONSIN STATUTES 2003-04: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].