

**2007 DRAFTING REQUEST**

**Bill**

Received: 11/15/2006

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Jeffrey Plale (608) 266-7505

By/Representing: Susie

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - torts

Extra Copies: Brett Balinsky

Submit via email: YES

Requester's email: Sen.Plale@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Claims by adults for loss of society and companionship of a child in medical malpractice case

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**Instructions:**

See Attached 05 SB 456

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**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 11/15/2006	jdyer 12/01/2006		_____			
/1			rschlue 12/01/2006	_____	sbasford 12/01/2006	cduerst 12/04/2006	

FE Sent For: *None*

<END>

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rnelson2

1 12/1 jld

Handwritten signatures and initials in the Drafting History table, including a large signature and the date 12/16.

<END>

FE Sent For:

**Nelson, Robert P.**

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**From:** Schooff, Susie  
**Sent:** Tuesday, November 14, 2006 3:27 PM  
**To:** Nelson, Robert P.  
**Subject:** Draft Legislation

Bob,

Hi there. Can you re-draft Senator Plale's legislation from last session... it was SB 456. Not a big rush.

THANKS!

Susie Schooff

Keep

0777/1

LPS - PWF please

2005 SENATE BILL 456

2007 Bill

November 29, 2005 - Introduced by Senators PLALE, HANSEN and ERPENBACH, cosponsored by Representatives SHERIDAN, OTT and ZEPNICK. Referred to Committee on Judiciary, Corrections and Privacy.

Regen

whose injuries were

I Estate of Wells v. Mt. Sinai Medical Center

- 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.

is injured

Analysis by the Legislative Reference Bureau

Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who dies 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:

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

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

Any

**SENATE BILL 456**

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>✓</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<sup>✓</sup> does not affect any  
11 other claim available under this chapter.<sup>✓</sup>

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to acts or omissions occurring on<sup>✓</sup> May 25, 1995.

14 (END)

**Basford, Sarah**

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**From:** Schooff, Susie  
**Sent:** Monday, December 04, 2006 2:54 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0777/1 Topic: Claims by adults for loss of society and companionship of a child in medical malpractice case

Please Jacket LRB 07-0777/1 for the SENATE.