



## 2009 ASSEMBLY BILL 951

April 14, 2010 – Introduced by Representatives BARCA, MASON and ROYS, cosponsored by Senator TAYLOR. Referred to Committee on Health and Healthcare Reform.

1     **AN ACT** *to create* 895.449 of the statutes; **relating to:** nullifying certain  
2             arbitration agreements between a resident and a nursing home or similar care  
3             facility.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, with few exceptions, contractual agreements that compel parties to litigation to submit to arbitration to resolve all or part of the dispute between the parties are enforceable.

Under this bill, contractual agreements that compel arbitration and that limit the rights of a resident to bring a civil lawsuit or limit the remedies available to a resident in a suit against a nursing home, adult family home, resident care apartment complex, or community-based residential care facility are void as against public policy.

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

4             **SECTION 1.** 895.449 of the statutes is created to read:  
5             **895.449 Certain arbitration agreements void.** Any provision in a contract,  
6             covenant, or agreement between a resident, or a person acting on behalf of the

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1 resident, and a facility defined in s. 50.01 (1), (1d), (1g), or (3), 50.49 (1) (a), or 50.90  
2 (1), that is made before the resident suffers injury or harm that compels arbitration  
3 between the parties, and that limits or waives the right of the resident to bring a civil  
4 action against the facility or that limits the resident's remedies in a civil action  
5 against the facility, is void as against against public policy and shall not constitute  
6 a defense in any action, suit, or proceeding.

7 **SECTION 2. Nonstatutory provisions.**

8 (1) This act applies to contracts that are entered into before, on, or after the  
9 effective date of this subsection.

10 (END)