

2009 DRAFTING REQUEST

Senate Amendment (SA-SB127)

Received: 10/20/2009

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Sarah

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - immunity liability

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Medical malpractice limits for public health care providers

Instructions:

See attached

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>
/?							
/P1	rnelson2 10/20/2009	bkraft 10/21/2009	phenry 10/21/2009	_____	lparisi 10/21/2009		
/1	rnelson2 10/29/2009	jdyer 10/29/2009	mduchek 10/29/2009	_____	sbasford 10/29/2009	sbasford 10/29/2009	

FE Sent For:

<END>

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/?	rnelson2	/PI bjk 10/21	<i>[Handwritten initials]</i>	<i>[Handwritten initials]</i>			

FE Sent For:

<END>

Nelson, Robert P.

From: Briganti, Sarah
Sent: Tuesday, October 20, 2009 1:22 PM
To: Nelson, Robert P.
Subject: Amendment to Senate Bill 127

Attachments: 09-SB-127 Amendment.doc

Bob,

Could you please draft the attached as an amendment to Senate Bill 127?

Thanks,

Sarah



09-SB-127
endment.doc (28 KI)

Sarah Briganti
Legislative Assistant
Office of State Senator Fred Risser
220 South, State Capitol
PO Box 7882
Madison, WI 53707
(608)266-1627

SB 127 / AB 179 Amendment

893.80 (3m) Notwithstanding the limits on the amount recoverable under sub. (3), in a civil action for damages resulting from an act or omission while providing health care services against a health care provider, as defined in s. 146.81 (1)^{(a) to (p)}, or against an officer, agent, or employee of a health care provider acting within the scope of his or her duties and providing health care services covered under this section, shall be governed by the limits on the amount recoverable under s. 893.82 (6). This subsection does not apply to an ambulance service provider, as defined in s. 256.01 (3), an emergency medical technician, as defined in s. 256.01 (5), a first responder, as defined in s. 256.01 (9) or local health officers, public health nurses and other local health department subordinate personnel listed in s. 251.06(3)(e).



Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2009 SENATE BILL 127

bh
-ccc

D-note

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 3: after "action" insert "against a health care provider, as
3 defined in s. 146.81 (1) (a) to (p)."

4 **2.** Page 3, line 4: delete that line and substitute move ←

5 "health care services, or".

6 **3.** Page 3, line 7: delete "shall be" and substitute "the amount recoverable is".

7 **4.** Page 3, line 8: after "(6)."

8 health care officer or employee described or listed in s. 251.06".

9 (END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0922/P1dn

RPN:.....

Lbjk

Date

I had to make additional changes in new ~~section~~ 893.80 (3m) to clarify the language.

Rather than list ambulance service providers, first responders, and EMTs, I narrowed the list of health care providers in s. 146.81 (1) to remove them from the list of those included as health care providers.

I used the broad language of s. 251.06 to describe local health employees who are not included in the new higher limits so that it covers everyone in those agencies. I am not sure this is necessary because they are not named as health care providers in the s. 146.81 list.

If the changes are okay, I will draft this amendment as an introducible /1.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0922/P1dn
RPN:bjk:ph

October 21, 2009

I had to make additional changes in new s. 893.80 (3m) to clarify the language.

Rather than list ambulance service providers, first responders, and EMTs, I narrowed the list of health care providers in s. 146.81 (1) to remove them from the list of those included as health care providers.

I used the broad language of s. 251.06 to describe local health employees who are not included in the new higher limits so that it covers everyone in those agencies. I am not sure this is necessary because they are not named as health care providers in the s. 146.81 (1) list.

If the changes are okay, I will draft this amendment as an introducible /1.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Nelson, Robert P.

From: Briganti, Sarah
Sent: Thursday, October 29, 2009 10:58 AM
To: Nelson, Robert P.
Subject: LRB a0922/P1

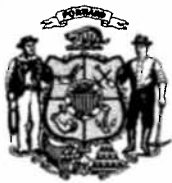
Bob,

Please prepare this amendment to Senate Bill 127 for introduction.

Thanks,

Sarah

Sarah Briganti
Legislative Assistant
Office of State Senator Fred Risser
220 South, State Capitol
PO Box 7882
Madison, WI 53707
(608)266-1627



10/29
State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0922/P1
RPN:bjk:ph

SOON

↑ stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2009 SENATE BILL 127

1 At the locations indicated, amend the bill as follows: ✓

2 **1.** Page 3, line 3: after "action" insert "against a health care provider, as
3 defined in s. 146.81 (1) (a) to (p),".

4 **2.** Page 3, line 4: delete that line and substitute "health care services, or".

5 **3.** Page 3, line 7: delete "shall be" and substitute "the amount recoverable is".

6 **4.** Page 3, line 8: after "(6)." insert "This subsection does not apply to a local
7 health care officer or employee described or listed in s. 251.06".

8 (END)