

2013 DRAFTING REQUEST

Bill

Received: 2/13/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Nikiya Harris (608) 266-2500 By/Representing:
May Contact: Drafter: phurley
Subject: Courts - damages Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Harris@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Medical malpractice claims by or for adult children

Instructions:

redraft 2009 SB 203

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>
/?	phurley 2/13/2013	scalvin 2/27/2013	jmurphy 2/27/2013	_____			
/1				_____	lparisi 2/27/2013	sbasford 2/27/2013	State

FE Sent For:

<END>

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intro.

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/?	phurley						

Jm
2/27 *self*

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<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

1627/1
LRB-1533/L

RPN:md ymr

PJM

sac

2009 SENATE BILL 203

2-13-13

May 14, 2009 – Introduced by Senators PLALE, HANSEN and COGGS, cosponsored by Representatives RICHARDS, SINICKI, ROYS, BERCEAU, A. WILLIAMS, POPE-ROBERTS, MASON, TOLES, CULLEN, SPANBAUER, ZEPNICK, TURNER, PARISI and KESSLER. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

gen cat

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.

Analysis by the Legislative Reference Bureau

Under current law, as stated in *Estate of Wells v. Mt. Sinai Medical Center*, 183 Wis. 2d 677 (1994), a parent does not have the right to recover for the loss of society and companionship of an adult child whose injuries were 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 is injured 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:

3 SECTION 1. 655.007 of the statutes is amended to read:
4 **655.007 Patients' claims.** ~~On and after July 24, 1975, any~~ Any patient or the
5 patient's representative having a claim or any spouse, parent, minor sibling, or adult

FE-STATE

SENATE BILL 203**SECTION 1**

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 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 does not affect any
11 other claim available under this chapter.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to acts or omissions occurring on the effective date of
14 this subsection.

15 (END)

Basford, Sarah

From: Mcginnis, Cindy
Sent: Wednesday, February 27, 2013 12:22 PM
To: LRB.Legal
Subject: Draft Review: LRB -1627/1 Topic: Medical malpractice claims by or for adult children

Please Jacket LRB -1627/1 for the SENATE.