

State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 120

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

Analysis by the Legislative Reference Bureau

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: 3 904.14 Inadmissibility of statement by health care provider of apology 4 or condolence. (1) In this section: 5 6 (a) "Health care provider" has the meaning given in s. 146.81 (1) and includes 7 an ambulatory surgery center, an adult family home as defined in s. 50.01 (1), and 8 a residential care apartment complex, as defined in s. 50.01 (6d), that is certified or 9 registered by the department of health services. (b) "Relative" has the meaning given in s. 106.50 (1m) (q). 10

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(2) A statement, a gesture, or the conduct of a health care provider, or a health
care provider's employee or agent, that satisfies all of the following is not admissible
into evidence in any civil action, administrative hearing, disciplinary proceeding,
mediation, or arbitration regarding the health care provider as evidence of liability
or as an admission against interest:

6 (a) The statement, gesture, or conduct is made or occurs before the 7 commencement of the civil action, administrative hearing, disciplinary proceeding, 8 mediation, or arbitration.

9 (b) The statement, gesture, or conduct expresses apology, benevolence, 10 compassion, condolence, fault, liability, remorse, responsibility, or sympathy to a 11 patient or his or her relative or representative.

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SECTION 2. Initial applicability.

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

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(END)