

State of Wisconsin



2013 Assembly Bill 120

Date of enactment: **April 8, 2014**
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2013 WISCONSIN ACT 242

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

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:
904.14 Inadmissibility of statement by health care provider of apology or condolence. (1) In this section:

(a) "Health care provider" has the meaning given in s. 146.81 (1) and includes an ambulatory surgery center, an adult family home as defined in s. 50.01 (1), and a residential care apartment complex, as defined in s. 50.01 (6d), that is certified or registered by the department of health services.

(b) "Relative" has the meaning given in s. 106.50 (1m) (q).

(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:

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

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

SECTION 2. Initial applicability.

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."