



**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 120**

April 1, 2014 – Offered by Senators RISSER and GROTHMAN.

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.

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

3 **SECTION 1.** 904.14 of the statutes is created to read:

4 **904.14 Inadmissibility of statement by health care provider of apology**
5 **or condolence.** (1) In this section:

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.

10 (b) “Relative” has the meaning given in s. 106.50 (1m) (q).

11 **(2)** A statement, a gesture, or the conduct of a health care provider, or a health
12 care provider’s employee or agent, that satisfies all of the following is not admissible

1 into evidence in any civil action, administrative hearing, disciplinary proceeding,
2 mediation, or arbitration regarding the health care provider as evidence of liability
3 or as an admission against interest:

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

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

10 **SECTION 2. Initial applicability.**

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

13 (END)