



## Fiscal Estimate Narratives

OCI 2/4/2022

LRB Number	21-1365/2	Introduction Number	AB-0923	Estimate Type	Original
<b>Description</b> claims for loss of society and companionship resulting from medical malpractice					

### Assumptions Used in Arriving at Fiscal Estimate

This bill provides that both minor and certain adult children have the right to recover for loss of society and companionship and other damages if the parent is injured or dies as the result of medical malpractice. Under the bill, an adult child is entitled to bring an action if:

- 1) The adult child has a disability and was, prior to the parent's injury or death, dependent on the deceased parent for custodial, financial, or emotional support for managing the basic or instrumental activities of daily living;
- 2) At the time of the parent's injury or death, the adult child was enrolled in a post-secondary education program, was dependent on the deceased parent for financial support, and, following the parent's injury or death, lacks the independent means to support himself or herself without financial support from the parent that is no longer available as a result of the parent's injury or death; or
- 3) The adult child incurred out-of-pocket costs to pay for expenses incurred as a result of the medical malpractice, including medical or custodial care expenses or funeral or legal expenses.

The Office of the Commissioner of Insurance (OCI) has the statutory responsibility for administering the Injured Patients and Families Compensation Fund (IPFCF). The IPFCF's mission is to provide excess medical malpractice coverage to Wisconsin health care providers and to ensure that funds are available to compensate injured patients. Health care providers obtain primary medical malpractice insurance from private insurance companies in an amount required by statute.

The Fund is governed by a 13-member Board of Governors. Administrative staff is provided by OCI.

The fiscal effect of this proposed legislation is indeterminate.

### Long-Range Fiscal Implications