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State of Misconsin 2001 - 2002 LEGISLATURE

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SENATE SUBSTITUTE AMENDMENT 2, TO 2001 SENATE BILL 193

October 30, 2001 - Offered by Senator Huelsman.

- 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.

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

Section 1. 655.007 of the statutes is amended to read:

655.007 Patients' claims. On and after July 24, 1975, any patient or the patient's representative having a claim or any spouse, parent, minor sibling or, minor child, or adult disabled child of the patient, or parent of the patient if the patient is an adult disabled child having a derivative claim for injury or death on account of malpractice is subject to this chapter. In this section, "disabled child" means a child who is developmentally disabled, as defined in s. 51.01 (5) (a), who has a chronic mental illness, as defined in s. 51.01 (3g), or who has a physical disability, as defined in s. 15.197 (4) (a) 2. and who is being cared for by his or her parent.

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Section 2. 655.018 of the statutes is created to read:

655.018 Claim by adult disabled child for loss of society and companionship. If the parent who was providing care for an adult disabled child, as defined in s. 655.007 dies as the result of medical malpractice, the adult disabled child of that parent has a cause of action for damages for loss of society and companionship against any person who committed the medical malpractice. If an adult disabled child, as defined in s. 655.007, who is being cared for by a parent dies as the result of medical malpractice, that parent has a cause of action for damages for loss of society and companionship against any person who committed the medical malpractice. This section does not affect any other claim available under this chapter.

SECTION 3. Initial applicability.

(1) This act first applies to acts or omissions that occur on the effective date of this subsection.

15 (END)