



## 2009 ASSEMBLY BILL 710

February 9, 2010 – Introduced by Representatives BENEDICT, NYGREN, JORGENSEN, VOS, BERCEAU, VAN ROY, A. OTT, KNODL, ZEPNICK, TOWNSEND, BALLWEG, STEINBRINK, BIES and PASCH, cosponsored by Senators TAYLOR, LEHMAN, SCHULTZ, HOLPERIN, VINEHOUT, DARLING and OLSEN. Referred to Committee on Judiciary and Ethics.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain types of evidence are not allowed to be admitted in a court action for various policy reasons. For example, evidence of measures taken after damage occurred that would have made the damage less likely is not admissible to prove negligence or culpable conduct in connection with the damage. As another example, no written or oral communication relating to a dispute in mediation is admissible or subject to discovery in any judicial proceeding or administrative action.

This bill provides that a statement, a gesture, or conduct of a health care provider that expresses apology, condolence, compassion, benevolence, or sympathy to a patient or patient's relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest.

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

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

