



2015 SENATE BILL 378

November 12, 2015 - Introduced by Senator HARRIS DODD, cosponsored by Representatives WACHS, BERCEAU, GOYKE, JOHNSON, KESSLER, OHNSTAD, C. TAYLOR and ZAMARRIPA. Referred to Committee on Judiciary and Public Safety.

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.

Analysis by the Legislative Reference Bureau

Under current law, as stated in *Estate of Wells v. Mt. Sinai Medical Center*, 183 Wis. 2d 677 (1994), a parent does not have the right to recover for the loss of society and companionship of an adult child who dies as the result of medical malpractice. This bill provides that a parent does have the right to recover for loss of society and companionship if the parent's adult child dies as the result of medical malpractice, and the adult child had not reached the age of 27 when he or she died.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 655.007 of the statutes is amended to read:
4 **655.007 Patients' claims.** ~~On and after July 24, 1975, any~~ Any patient or the
5 patient's representative having a claim or any spouse, parent, minor sibling, or child
6 of the patient having a derivative claim for injury or death on account of malpractice
7 is subject to this chapter.

