



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBs0206/3  
RPN:hmh:pg

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 193**

October 30, 2001 – Offered by JUDICIARY, CONSUMER AFFAIRS, AND CAMPAIGN FINANCE REFORM.

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:*

3             **SECTION 1.** 655.007 of the statutes is renumbered 655.007 (2) and amended to  
4     read:

5             **655.007 (2)** On and after July 24, 1975, any patient or the patient's  
6     representative having a claim or any spouse, parent, minor sibling, or child, adult  
7     disabled or institutionalized child, or disabled or institutionalized parent of an adult  
8     child of the patient having a derivative claim for injury or death on account of  
9     malpractice is subject to this chapter.

10            **SECTION 2.** 655.007 (1) of the statutes is created to read:

11            655.007 (1) In this section:

1 (a) "Disabled" means being developmentally disabled, as defined in s. 51.01 (5)  
2 (a), having chronic mental illness, as defined in s. 51.01 (3g), or having a physical  
3 disability, as defined in s. 15.197 (4) (a) 2.

4 (b) "Institutionalized" means having been involuntarily committed under s.  
5 51.20 to a treatment facility, as defined in s. 51.01 (19), or having been protectively  
6 placed under ch. 55 in a state center for the developmentally disabled or other facility.

7 **SECTION 3.** 655.018 of the statutes is created to read:

8 **655.018 Claim by adult disabled child for loss of society and**  
9 **companionship.** If the parent who was providing care for an adult child who is  
10 disabled as defined in s. 655.007 (1) (a), or who has an adult child who is  
11 institutionalized, as defined in s. 655.007 (1) (b), dies as the result of medical  
12 malpractice, the adult disabled or institutionalized child of that parent has a cause  
13 of action for damages for loss of society and companionship against any person who  
14 committed the medical malpractice. If the adult child who was providing care for a  
15 parent who is disabled, as defined in s. 655.007 (1) (a), or who has a parent who is  
16 institutionalized, as defined in s. 655.007 (1) (b), dies as a result of medical  
17 malpractice, the disabled or institutionalized parent of that adult child has a cause  
18 of action for damages for loss of society and companionship against any person who  
19 committed the medical malpractice. This section does not affect any other claim  
20 available under this chapter.

21 **SECTION 4. Initial applicability.**

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

24 (END)