



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

May 26, 2006

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 1021. The bill makes any statement, gesture or conduct that expresses apology, benevolence, compassion, condolence, fault, liability, responsibility or sympathy made by a health care provider to a patient or the patient's relative or representative inadmissible as evidence of liability.

I am vetoing Assembly Bill 1021 because it is entirely too broad. Encouraging health care providers to openly communicate with their patients, and express apologies and condolences, may well be a legitimate public policy objective, but this bill goes far beyond that. Assembly Bill 1021 would make inadmissible statements and conduct that express fault or liability. For example, if a doctor were to admit to a patient that he or she has committed malpractice, those statements would not be admissible under this bill. Further, Assembly Bill 1021 also applies to "conduct" that expresses fault – conduct that could include the act of malpractice itself. This bill goes far beyond protecting statements of apology or condolence, and I cannot sign it into law.

Respectfully submitted,

JIM DOYLE
Governor