



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

April 14, 2006

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

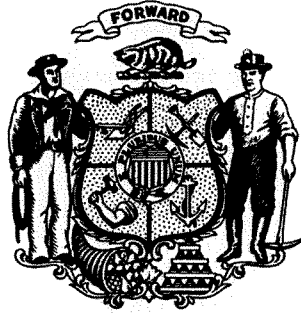
I am vetoing Assembly Bill 1071. This bill would restrict the time allowed for medical malpractice claims to be brought against health care providers in cases where the victim is under the age of 18 and is disabled by reason of insanity, developmental disability or imprisonment. Specifically, this bill would require disabled children to file actions against health care providers under the same time constraints that apply to non-disabled children: (a) within three years of the date of injury, (b) one year from the date the injury was discovered, but not more than five years from the date of injury, or (c) by the time the child reaches the age of 10, whichever is latest.

I am vetoing AB 1071 because it fails to recognize the added difficulty associated with detecting malpractice injuries in disabled children. Parents of disabled children shouldn't be forced to prematurely initiate litigation, by the time a child reaches the age of 10, for example, where it isn't yet clear to what extent that child's disability may be developing. While there may be a reasonable statute of limitations that should apply to disabled minors, this bill ignores the complexity inherent in detecting medical malpractice injuries in disabled children. I therefore must veto this bill.

Respectfully submitted,

JIM DOYLE
Governor

State of Wisconsin



2005 Assembly Bill 1071

Date of enactment:
Date of publication*:

2005 WISCONSIN ACT

AN ACT *to amend* 893.56 of the statutes; **relating to:** the time limit for a person under the age of 18 to bring action against a health care provider.

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

SECTION 1. 893.56 of the statutes is amended to read:
893.56 Health care providers; minors actions.

Any person under the age of 18, ~~who is not under disability by reason of insanity, developmental disability or imprisonment,~~ shall bring an action to recover damages for injuries to the person arising from any treatment or

operation performed by, or for any omission by a health care provider within the time limitation under s. 893.55 or by the time that person reaches the age of 10 years, whichever is later. That action shall be brought by the parent, guardian or other person having custody of the minor within the time limit set forth in this section.

SECTION 2. Initial applicability.

(1) This act first applies to actions accruing on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].