



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