## 2007 DRAFTING REQUEST

Bill

FE Sent For:

Received	l: <b>02/07/2007</b>				Received By: rnelson2											
Wanted: As time permits  For: Fred Risser (608) 266-1627  This file may be shown to any legislator: NO  May Contact:  Subject: Courts - immunity liability					Identical to LRB:  By/Representing: Sarah  Drafter: rnelson2  Addl. Drafters:  Extra Copies:											
										ria email: <b>YES</b> er's email:	Sen.Risser	@legis.wiso	consin.gov			
									Carbon c	copy (CC:) to:						
									Topic:	fic pre topic gi	ven regarding med	ical malprad	ctice			
									Instruct See Attac	ions: ched 05 SB74						
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<u>Vers.</u> /?	<u>Drafted</u> rnelson2 02/07/2007	Reviewed jdyer 02/13/2007	Typed	Proofed	Submitted	<u>Jacketed</u>	Required State									
/1			nnatzke 02/13/200	07	sbasford 02/13/2007	cduerst 02/22/2007										

<END>

Received By: rnelson2

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Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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/1			nnatzke 02/13/20	07	sbasford 02/13/2007		
FE Sent	For:						

<END>

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Received: 02/07/2007 Received By: rnelson2

Wanted: **As time permits** Identical to LRB:

For: Fred Risser (608) 266-1627 By/Representing: Sarah

This file may be shown to any legislator: **NO**Drafter: **rnelson2** 

May Contact: Addl. Drafters:

Subject: Courts - immunity liability Extra Copies:

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Submit via email: YES

Pre Topic:

No specific pre topic given

Topic:

Notification to the state regarding medical malpractice

**Instructions:** 

See Attached 05 SB74

**Drafting History:** 

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? rnelson2  $\frac{1}{13}$  i(d.  $\frac{nwh}{nwh}$ 

FE Sent For:

<END>

#### Nelson, Robert P.

From:

Duerst, Christina

Sent:

Tuesday, February 06, 2007 3:24 PM

To:

Nelson, Robert P.

Subject:

FW: Message for Robert Nelson

From:

Briganti, Sarah

Sent:

Tuesday, February 06, 2007 3:12 PM

To:

LRB.Legal

Cc: Subject: Briganti, Sarah Message for Robert Nelson

Senator Risser has requested that 2005 Senate Bill 74 be redrafted for introduction this session. This bill is relating to notification of the state regarding a medical malpractice claim.

Please feel free to contact me if you have any questions.

Thank you.

Sarah Briganti Legislative Assistant Office of State Senator Fred Risser 220 South, State Capitol PO Box 7882 Madison, WI 53707 (608) 266-1627

2005 - 2006 LEGISLATURE

2/19 m

LRB-0620/T RPN(jld)rs

2003 SENATE BILL 74

LPS-PWF please

February 22, 2005 – Introduced by Senator RISSER, cosponsored by Representatives Jensen, Hines, Pocan, Berceau and Lehman. Referred to Committee on Judiciary, Corrections and Privacy.

AN ACT to amond 893 S

AN ACT to amend 893.82 (5m) of the statutes; relating to: notification of the

state regarding a medical malpractice claim.

### Analysis by the Legislative Reference Bureau

Under current law, if a person is injured as the result of medical malpractice, he or she must commence an action to recover his or her damages within three years from the date of the injury or within one year from the date that the injury was discovered or should have been discovered, but not more than five years after the date of the injury. Currently, if a health care provider conceals an act from the patient that resulted in the injury, the injured patient must commence the action within one year from the date that the concealment was discovered or should have been discovered, within three years from the date of the injury, or within one year from the date that the injury was discovered, whichever is later. Currently, if a foreign object is left in a patient's body, the patient must commence the medical malpractice action within one year from the date that the person was aware of the object or should have been aware, within three years from the date of the injury, or within one year from the date that the injury was discovered, whichever is later.

Also under current law, if a person wants to bring a civil action against an officer, employee, or agent of the state for an act committed in the course of the officer's, employee's, or agent's duties, the person must first serve a notice of the claim with the attorney general within 120 days after the date of the act. The claim must include the time, date, location, and circumstances of the act that gave rise to the claim, plus the names of the persons involved in the act. If the claim is to recover damages for medical malpractice, the 120–day period is extended to 180 days after the injury was discovered or should have been discovered.

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#### **SENATE BILL 74**

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This bill removes the requirement that a person must serve a notice of a claim for medical malpractice involving a state officer, employee, or agent on the attorney general within 180 days after the injury. Instead, the bill requires a person who was injured as the result of medical malpractice by a state officer, employee, or agent to commence that action within the same time period that is required when the claim is against a private medical provider.

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:

**SECTION 1.** 893.82 (5m) of the statutes is amended to read:

893.82 (5m) With regard to a claim to recover damages for medical malpractice, the time periods under subs. (3), (3m), and (4) shall be 180 days after discovery of the injury or the date on which, in the exercise of reasonable diligence, the injury should have been discovered, rather than 120 days after the event causing the injury for serving a notice of a claim upon the attorney general do not apply. The time periods that apply to commencing an action against a state officer, employee, or agent for damages for medical malpractice are the time periods under s. 893.55 (2), and (3).

(END)

## **Duerst, Christina**

From:

Briganti, Sarah

Sent:

Thursday, February 22, 2007 10:20 AM

To:

LRB.Legal

Subject:

Draft Review: LRB 07-1864/1 Topic: Notification to the state regarding medical

malpractice

Please Jacket LRB 07-1864/1 for the SENATE.

SENATOR RISSER WOULD LIKE THE STRIPES ASAP Thanks!