



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 126

**Senate Substitute
Amendment 1**

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Current law provides that a person, in order to sue a state officer, employee, or agent for medical malpractice, must notify the Attorney General of the claim within 180 days after discovery of the injury resulting from the medical malpractice or 180 days from the date on which, in the exercise of reasonable diligence, the injury should have been discovered. A lawsuit may not proceed without providing the Attorney General with written notice of a claim stating the time, date, location, and the circumstances of the event giving rise to the claim. [See s. 893.82 (3) and (5m), Stats.]

Senate Bill 126 eliminates the requirement that a person must provide written notice of a medical malpractice claim to the Attorney General prior to beginning a lawsuit against a state officer, employee, or agent.

Current law also provides that a medical malpractice lawsuit against various local governmental bodies or an officer, official, agent, or employee of those bodies may not be brought unless, within 180 days after discovery of the injury or within 180 days from the date on which, in the exercise of reasonable diligence, the injury should have been discovered, written notice of the circumstances of the claim are served upon the applicable governmental entity and its representative. [See s. 893.80 (1) and (1m), Stats.]

Senate Substitute Amendment 1, in addition to removing the notice of claim requirement with respect to a medical malpractice action brought against a state officer, employee, or agent, removes the notice of claim requirement in a medical malpractice action brought against a local governmental body or its officers, officials, agents, or employees.

Legislative History

On December 4, 2007, the Senate Committee on Judiciary, Corrections, and Housing adopted Senate Substitute Amendment 1 and recommended Senate Bill 126 for passage, as amended, all on votes of Ayes, 4; Noes, 1.

RS:ksm