



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 278**  
[2009 Senate Bill 127]

**Medical Malpractice Claims**

*2009 Wisconsin Act 278* amends the process by which medical malpractice claims are brought against public agencies.

Prior to Act 278, the law required a person, in order to sue a state officer, employee, or agent for medical malpractice, to 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. Similarly, a medical malpractice lawsuit could not be brought against various local governmental bodies or an officer, official, agent, or employee of those bodies 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 was served upon the applicable governmental entity and its representative. Failure to provide the appropriate notice of claim could prevent the continuation of the legal action. [See ss. 893.80 (1) and (1m) and 893.82 (3) and (5m), Stats.]

Act 278 eliminates the requirement that a person must provide written notice of a medical malpractice claim to the Attorney General or to a local governmental body or its representative prior to beginning a lawsuit against a state officer, employee, or agent or against a local governmental body or its officers, officials, agents, or employees.

**Effective date:** The Act takes effect on May 27, 2010.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.