

WORKING DRAFT

HOUSE BILL NO. _____

Medical lawsuits-notice of intent to sue.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to civil actions; requiring a notice to sue
2 in medical liability actions as specified; providing
3 definitions; and providing for an effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 1-1-129 is created to read:

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9 **1-1-129. Notice of intent to sue in medical liability**
10 **actions.**

11
12 (a) Notwithstanding any other provision of law, no
13 action for damages for injury or death against any health
14 care provider, whether based upon tort, contract or
15 otherwise, arising out of the provision of, or failure to

1 provide, health care services, shall be commenced until at
2 least sixty (60) days after written notice of claim,
3 setting forth under oath the nature and circumstances of
4 the injuries and damages alleged is served personally or by
5 registered or certified mail upon each person who is
6 allegedly liable for the alleged injuries and damages at
7 his last known address. If the notice is served within
8 sixty (60) days of the expiration of the applicable statute
9 of limitations, the time for the commencement of the action
10 shall be extended sixty (60) days from the service of the
11 notice.

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13 (b) As used in this section:

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15 (i) "Health care provider" means any doctor of
16 medicine, doctor of osteopathy or hospital licensed by this
17 state to provide health care services or any officer,
18 employee or agent thereof acting in the course and scope of
19 employment.

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21 (ii) "Health care services" means acts of
22 diagnosis, treatment, medical evaluation or advice or other
23 acts permissible under the health care licensing statutes
24 of the state.

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2 **Section 2.** This act is effective July 1, 2003.

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(END)

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