

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - KANSAS

Sleeth v. Sedan City Hosp.

Supreme Court of Kansas - February 7, 2014 - P.3d - 2014 WL 517801

Patient's parents brought wrongful death action against municipal hospital, alleging hospital employee punctured patient's bowel while inserting feeding tube, causing patient's death. The District Court dismissed action. Parents appealed. The Court of Appeals reversed and remanded. Hospital petitioned for review.

After grant of review, the Supreme Court of Kansas held that:

- Letter sent to hospital administrator by attorney for patient's parents, threatening wrongful death suit if settlement could not be reached regarding patient's death, did not substantially comply with statutory notice requirements for bringing a claim against a municipality, and
- Statutory provision for a municipality to have a 120-day review period for any claim against municipality, after receiving notice of that claim, cannot be waived.

Letter sent to municipal hospital administrator by attorney for patient's parents, threatening wrongful death suit if settlement could not be reached regarding patient's death, did not substantially comply with statutory notice requirements for bringing a claim against a municipality, where letter lacked any statement of monetary damages.

Assuming patient's parents' multiple writings could, in combination, suffice to comply with statutory notice requirements for bringing a claim against a municipality, 120-day time period for municipal hospital's review of parents' wrongful death claim ran from date of writing which, unlike prior writing, contained statement of monetary damages. Statutory provision for a municipality to have a 120-day review period for any claim against municipality, after receiving notice of that claim, cannot be waived; review period is a condition precedent to filing suit that implicates a court's subject matter jurisdiction.