

SECOND REGULAR SESSION

SENATE BILL NO. 552

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 12, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4597S.011

AN ACT

To repeal section 516.105, RSMo, and to enact in lieu thereof one new section relating to actions against veterinarians.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 516.105, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 516.105, to read as follows:

516.105. All actions against physicians, hospitals, dentists, registered or
2 licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors,
3 professional physical therapists, **veterinarians treating animals**, and any
4 other entity providing health care services **or veterinary services for animals**
5 and all employees of any of the foregoing acting in the course and scope of their
6 employment, for damages for malpractice, negligence, error or mistake related to
7 health care **or veterinary care of animals** shall be brought within two years
8 from the date of occurrence of the act of neglect complained of, except that:

9 (1) In cases in which the act of neglect complained of is introducing and
10 negligently permitting any foreign object to remain within the body of a living
11 person **or living animal**, the action shall be brought within two years from the
12 date of the discovery of such alleged negligence, or from the date on which the
13 patient **or owner of an animal** in the exercise of ordinary care should have
14 discovered such alleged negligence, whichever date first occurs; and

15 (2) In cases in which the act of neglect complained of is the negligent
16 failure to inform the patient **or owner of the animal** of the results of medical
17 tests, the action for failure to inform shall be brought within two years from the
18 date of the discovery of such alleged negligent failure to inform, or from the date
19 on which the patient **or owner of the animal** in the exercise of ordinary care
20 should have discovered such alleged negligent failure to inform, whichever date

21 first occurs; except that, no such action shall be brought for any negligent failure
22 to inform about the results of medical tests performed more than two years before
23 August 28, 1999. For purposes of this subdivision, the act of neglect based on the
24 negligent failure to inform the patient **or owner of the animal** of the results
25 of medical tests shall not include the act of informing the patient **or owner of**
26 **the animal** of the results of negligently performed medical tests or the act of
27 informing the patient **or owner of the animal** of erroneous test results; and

28 (3) In cases in which the person bringing the action is a minor less than
29 eighteen years of age, such minor shall have until his or her twentieth birthday
30 to bring such action. In no event shall any action for damages for malpractice,
31 error, or mistake be commenced after the expiration of ten years from the date
32 of the act of neglect complained of or for two years from a minor's eighteenth
33 birthday, whichever is later.

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Bill

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