

FIRST REGULAR SESSION

# SENATE BILL NO. 141

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0371.011

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 516.105, RSMo 1994, relating to statutes of limitations, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 516.105, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 516.105, to read as follows: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 licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, [except that a minor under the full age of ten years shall have until his twelfth birthday to bring action, and] **or within two years after the date on which the claimant knew or through the use of reasonable diligence should have known, or received notice in writing, of the existence of the malpractice, negligence, error or mistake, whichever first occurs. In no event shall such action be brought more than five years after the date of the occurrence of the act of neglect that is the basis of the complaint;** except that in cases in which the act of neglect complained of [its] **is** introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs, but in no event shall any action for damages for

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of.

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Unofficial

Bill

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