

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE BILL NO. 141
90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Offered February 8, 1999.

Senate Substitute adopted, February 8, 1999.

Taken up for Perfection February 8, 1999. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

S0371.02P

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.

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Section A. Section 516.105, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 516.105, to read as follows: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] except that:

(1) 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]; **and**

(2) **In cases in which the act of neglect complained of is the negligent failure to**

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

inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs, except that no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before the effective date of this section; and

(3) In cases in which the person bringing the action is a minor under the full age of eighteen years, such minor shall have until his or her twentieth birthday to bring such action.

In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of **or for ten years from a minor's twentieth birthday, whichever is later.**

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Bill

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