

FIRST REGULAR SESSION

# HOUSE BILL NO. 159

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

0438H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Section 516.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 516.105, to read as follows: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, mental health professionals licensed under chapter 337, **veterinarians treating animals**, and any other entity providing health care services **for patients or veterinary services for animals** 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 **the health care of patients or veterinary care of animals** shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person **or living animal**, 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 **or owner of an animal** in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; ~~and~~

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient **or owner of the animal** 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 **or owner of the animal** in the exercise of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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