

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1619

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCAHERTY.

4201H.01P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal section 516.105, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for liability of mental health professionals.

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Section A. Section 516.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 516.105, to read as follows: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

(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, 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; and

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

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.

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

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

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

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