

SECOND REGULAR SESSION

HOUSE BILL NO. 1945

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (149) (Sponsor), LAIR, McNARY, SCHAD, DENISON,
DUGGER AND SMITH (150) (Co-sponsors).

4771L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 516.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 516.105, to read as follows: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, **veterinarians treating animals**, and any other entity providing health care services **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 health care **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.

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

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

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