

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 871, Page 3, Section 488.2250, Line 19,  
2 by inserting after all of said section and line the following:

3  
4 "516.105. 1. All actions against physicians, hospitals, dentists, registered or licensed  
5 practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical  
6 therapists, mental health professionals licensed under chapter 337, and any other entity providing  
7 health care services and all employees of any of the foregoing acting in the course and scope of their  
8 employment, for damages for malpractice, negligence, error or mistake related to health care shall  
9 be brought within two years from the date of occurrence of the act of neglect complained of, except  
10 that:

11 (1) In cases in which the act of neglect complained of is introducing and negligently  
12 permitting any foreign object to remain within the body of a living person, the action shall be  
13 brought within two years from the date of the discovery of such alleged negligence, or from the date  
14 on which the patient in the exercise of ordinary care should have discovered such alleged  
15 negligence, whichever date first occurs; and

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

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

31 2. Any service on a defendant by a plaintiff after the statute of limitations set forth in  
32 subsection 1 of this section has expired or after the expiration of any extension of the time provided  
33 to commence an action pursuant to law shall be made within one hundred eighty days of the filing  
34 of the petition. If such service is not made on a defendant within one hundred eighty days of the  
35 filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be  
36 without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 dismissal shall be with prejudice.

2 537.100. 1. Every action instituted under section 537.080 shall be commenced within three  
3 years after the cause of action shall accrue; provided, that if any defendant, whether a resident or  
4 nonresident of the state at the time any such cause of action accrues, shall then or thereafter be  
5 absent or depart from the state, so that personal service cannot be had upon such defendant in the  
6 state in any such action heretofore or hereafter accruing, the time during which such defendant is so  
7 absent from the state shall not be deemed or taken as any part of the time limited for the  
8 commencement of such action against him; and provided, that if any such action shall have been  
9 commenced within the time prescribed in this section, and the plaintiff therein take or suffer a  
10 nonsuit, or after a verdict for him the judgment be arrested, or after a judgment for him the same be  
11 reversed on appeal or error, such plaintiff may commence a new action from time to time within one  
12 year after such nonsuit suffered or such judgment arrested or reversed; and in determining whether  
13 such new action has been begun within the period so limited, the time during which such  
14 nonresident or absent defendant is so absent from the state shall not be deemed or taken as any part  
15 of such period of limitation.

16 2. Any service on a defendant by a plaintiff after the statute of limitations set forth in  
17 subsection 1 of this section has expired or after the expiration of any extension of the time provided  
18 to commence an action pursuant to law shall be made within one hundred eighty days of the filing  
19 of the petition. If such service is not made on a defendant within one hundred eighty days of the  
20 filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be  
21 without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the  
22 dismissal shall be with prejudice."; and

23  
24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.