

FIRST REGULAR SESSION

SENATE BILL NO. 88

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0367S.011

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Section A. Section 516.105, RSMo, is repealed and one new section
2 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
2 licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors,
3 professional physical therapists, mental health professionals licensed under
4 chapter 337, **veterinarians treating animals**, and any other entity providing
5 health care services **or veterinary services for animals** and all employees of
6 any of the foregoing acting in the course and scope of their employment, for
7 damages for malpractice, negligence, error or mistake related to health care **or**
8 **veterinary care of animals** shall be brought within two years from the date
9 of occurrence of the act of neglect complained of, except that:

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

16 (2) In cases in which the act of neglect complained of is the negligent
17 failure to inform the patient **or owner of the animal** of the results of medical
18 tests, the action for failure to inform shall be brought within two years from the
19 date of the discovery of such alleged negligent failure to inform, or from the date
20 on which the patient **or owner of the animal** in the exercise of ordinary care

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

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

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

✓
Bill

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