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# State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2384**

03/23/2021

Authored by Sundin

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to civil actions; modifying time limit for bringing health care provider
- 1.3 actions; amending Minnesota Statutes 2020, section 541.076.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2020, section 541.076, is amended to read:
- 1.6 **541.076 HEALTH CARE PROVIDER ACTIONS.**
- 1.7 (a) For purposes of this section, "health care provider" means a physician, surgeon,
- 1.8 dentist, occupational therapist, other health care professionals as defined in section 145.61,
- 1.9 hospital, or treatment facility.
- 1.10 (b) An action by a patient or former patient against a health care provider alleging
- 1.11 malpractice, error, mistake, or failure to cure, whether based on a contract or tort, must be
- 1.12 commenced within four years from the date the cause of action accrued. For purposes of
- 1.13 this paragraph, the cause of action shall not accrue until discovery of the alleged violation
- 1.14 by the patient, former patient, or a parent or legal guardian of the patient or former patient.
- 1.15 (c) A counterclaim may be pleaded as a defense to any action for services brought by a
- 1.16 health care provider after the limitations described in this section, notwithstanding it is
- 1.17 barred by the provisions of this chapter, if the counterclaim belonged to the party pleading
- 1.18 it at the time it became barred and was not barred at the time the claim sued on originated,
- 1.19 but no judgment on the counterclaim except for costs can be rendered in favor of the party
- 1.20 so pleading it.
- 1.21 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to a cause
- 1.22 of action accruing on or after that date.