

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 3489

(SENATE AUTHORS: SEEBERGER, Mann and Limmer)

DATE	D-PG	OFFICIAL STATUS
05/07/2025	4520	Introduction and first reading Referred to Judiciary and Public Safety
03/02/2026	6462	Authors added Mann; Limmer

1.1 A bill for an act

1.2 relating to civil actions; decreasing the statute of limitations for medical malpractice

1.3 claims; limiting collection of judgment against personal income or assets; limiting

1.4 certain damages for medical malpractice claims; amending Minnesota Statutes

1.5 2024, section 541.076; proposing coding for new law in Minnesota Statutes, chapter

1.6 604.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2024, section 541.076, is amended to read:

1.9 **541.076 HEALTH CARE PROVIDER ACTIONS.**

1.10 (a) For purposes of this section, "health care provider" means a physician, surgeon,

1.11 dentist, occupational therapist, other health care professionals as defined in section 145.61,

1.12 hospital, or treatment facility.

1.13 (b) An action by a patient or former patient against a health care provider alleging

1.14 malpractice, error, mistake, or failure to cure, whether based on a contract or tort, must be

1.15 commenced within ~~four~~ two years from the date the cause of action accrued.

1.16 (c) A counterclaim may be pleaded as a defense to any action for services brought by a

1.17 health care provider after the limitations described in this section, notwithstanding it is

1.18 barred by the provisions of this chapter, if the counterclaim belonged to the party pleading

1.19 it at the time it became barred and was not barred at the time the claim sued on originated,

1.20 but no judgment on the counterclaim except for costs can be rendered in favor of the party

1.21 so pleading it.

1.22 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to actions

1.23 commenced on or after that date.

2.1 Sec. 2. [604.111] HEALTH CARE PROVIDER ACTIONS; DAMAGES; PERSONAL
2.2 INCOME OR ASSETS; LIMITATIONS.

2.3 Subdivision 1. **Applicability; definition.** (a) This section applies to actions brought by
2.4 a patient or former patient against a health care provider alleging malpractice, error, mistake,
2.5 or failure to cure based on a contract or tort.

2.6 (b) For purposes of this section, "health care provider" has the meaning given in section
2.7 541.076, paragraph (a).

2.8 Subd. 2. **Statements inadmissible.** Prior to an award of damages, a plaintiff must not
2.9 make statements that are made primarily to coerce or induce a settlement and relate to the
2.10 provider's personal income or assets. A statement made in violation of this subdivision is
2.11 inadmissible in an action against a health care provider.

2.12 Subd. 3. **Defendant's personal income or assets.** A prevailing plaintiff may not collect
2.13 on or execute a judgment against a health care provider's personal income or assets unless
2.14 the court finds that:

2.15 (1) the provider's conduct was willful and malicious or intentionally fraudulent; or

2.16 (2) the provider failed to maintain an insurance policy with a policy limit of at least
2.17 \$1,000,000.

2.18 Subd. 4. **Economic damages.** (a) The court may award economic damages in an amount
2.19 equal to the amount that the plaintiff or third-party insurer, whether public or private, actually
2.20 paid for medical expenses related to the injury at issue. If the plaintiff did not have insurance
2.21 or pay medical expenses related to the injury at issue, the court may award economic damages
2.22 for the amounts the plaintiff actually paid or owes for the medical care resulting from the
2.23 loss.

2.24 (b) The court must not consider evidence of the plaintiff's alleged losses for past medical
2.25 expenses or the cost of medical equipment before liability for the alleged losses is established.

2.26 Subd. 5. **Noneconomic damages.** A plaintiff may only recover noneconomic losses to
2.27 compensate for pain, suffering, and inconvenience. The amount of damages awarded for
2.28 noneconomic loss must not exceed \$500,000.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to actions
2.30 commenced on or after that date.