

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

S.F. No. 1438

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DATE
02/25/2021

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556 Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

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~~ Notwithstanding any law to the contrary, a patient or former patient
1.11 may bring an action against a health care provider alleging malpractice, error, mistake, or
1.12 failure to cure, whether based on a contract or tort, ~~must be commenced within four years~~
1.13 ~~from the date the cause of action accrued.~~

1.14 (c) A counterclaim may be pleaded as a defense to any action for services brought by a
1.15 health care provider ~~after the limitations described in this section,~~ notwithstanding it is
1.16 barred by the provisions of this chapter, if the counterclaim belonged to the party pleading
1.17 it at the time it became barred and was not barred at the time the claim sued on originated,
1.18 but no judgment on the counterclaim except for costs can be rendered in favor of the party
1.19 so pleading it.