

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

**S.F. No. 1438**

(SENATE AUTHORS: HOFFMAN, Abeler and Utke)

DATE  
02/25/2021

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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.