AMENDMENT TO RULES COMMITTEE PRINT 115-10

OFFERED BY M_.

Page 1, strike line 7 and all that follows through page 2, line 18 and insert the following:

1	(a) Statute of Limitations.—
2	(1) IN GENERAL.—Except as provided in para-
3	graph (2), the time for the commencement of a
4	health care lawsuit shall be, whichever occurs first of
5	the following:
6	(A) 3 years after the date of the occur-
7	rence of the breach or tort;
8	(B) 3 years after the date the medical or
9	health care treatment that is the subject of the
10	claim is completed; or
11	(C) 1 year after the claimant discovers, or
12	through the use of reasonable diligence should
13	have discovered, the injury.
14	(2) TOLLING.—In no event shall the time for
15	commencement of a health care lawsuit exceed 3
16	years after the date of the occurrence of the breach
17	or tort or 3 years after the date the medical or
18	health care treatment that is the subject of the claim

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1	is completed (whichever occurs first) unless tolled
2	for any of the following—
3	(A) upon proof of fraud;
4	(B) intentional concealment; or
5	(C) the presence of a foreign body, which
6	has no the rapeutic or diagnostic purpose or ef-
7	fect, in the person of the injured person.
8	(3) ACTIONS BY A MINOR.—Actions by a minor
9	shall be commenced within 3 years after the date of
10	the occurrence of the breach or tort or 3 years after
11	the date of the medical or health care treatment that
12	is the subject of the claim is completed (whichever
13	occurs first) except that actions by a minor under
14	the full age of 6 years shall be commenced within 3
15	years after the date of the occurrence of the breach
16	or tort, 3 years after the date of the medical or
17	health care treatment that is the subject of the claim
18	is completed, or 1 year after the injury is discovered,
19	or through the use of reasonable diligence should
20	have been discovered, or prior to the minor's 8th
21	birthday, whichever provides a longer period. Such
22	time limitation shall be tolled for minors for any pe-
23	riod during which a parent or guardian and a health
24	care provider have committed fraud or collusion in

- 1 the failure to bring an action on behalf of the in-
- 2 jured minor.

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