

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2040

By: Begley

AS INTRODUCED

An Act relating to torts; amending 76 O.S. 1991, Section 18, which relates to medical malpractice; limiting awards in certain medical malpractice actions; providing exception; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 76 O.S. 1991, Section 18, is amended to read as follows:

Section 18. A. An action for damages for injury or death against any physician, health care provider or hospital licensed under the laws of this state, whether based in tort, breach of contract or otherwise, arising out of patient care, shall be brought within two (2) years of the date the plaintiff knew or should have known, through the exercise of reasonable diligence, of the existence of the death, injury or condition complained of; provided any action brought more than three (3) years from the date of the injury shall be limited to actual medical and surgical expenses incurred or to be incurred as a direct result of said injury, provided, however, the minority or incompetency when the cause of action arises will extend said period of limitation.

B. No award in a medical malpractice action against any physician, health care provider or hospital licensed under the laws of this state for injury arising out of patient care shall exceed the sum of Five Hundred Thousand Dollars (\$500,000.00) per defendant, plus any future medical bills due to such injury. Any award for wrongful death due to medical malpractice shall not be subject to the provisions of this subsection.

SECTION 2. This act shall become effective September 1, 1994.

44-2-7777

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