

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____307

By: Campbell

AS INTRODUCED

An Act relating to medical malpractice; 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~~ the injury, provided, ~~however~~ further, the minority or incompetency of the plaintiff when the cause of action arises will extend ~~said period~~ these periods of limitation.

B. No award in an action for damages against any physician, health care provider, or hospital licensed under the laws of this state for injury arising out of patient care shall include an award for noneconomic damages which exceeds the sum of One Million Dollars (\$1,000,000.00) per defendant, as that amount is annually adjusted

commencing on January 1, 2000, to reflect changes in the United States Consumer Price Index for Urban Consumers as certified by the United States Department of Commerce. 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 January 1, 2000.

47-1-682 KM 6/12/2015 1:47:11 AM