

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

**S.F. No. 862**

(SENATE AUTHORS: HOFFMAN)

DATE  
02/11/2021

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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 a patient or former patient against a health care provider alleging  
1.11 malpractice, error, mistake, or failure to cure, whether based on a contract or tort, must be  
1.12 commenced within four years from the date the cause of action accrued. For purposes of  
1.13 this paragraph, the cause of action shall not accrue until discovery of the alleged violation  
1.14 by the patient, former patient, or a parent or legal guardian of the patient or former patient.

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

1.21 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to a cause  
1.22 of action accruing on or after that date.