Am. Sub. H.B. 412

124th General Assembly

The Conference Committee recommends the bill as passed by the Senate with the following changes:

Topic	House Version	Senate Version	Conference Committee Recommendation
Statute of limitations for claims against a home or residential facility	The House passed version of the bill modified the definition of "medical claim" for purposes of the statute of limitations as any claim that is asserted in any civil action against a physician, podiatrist, hospital, *home or licensed residential facility* (added by the bill), against any employee or agent of a physician, podiatrist, hospital, *home, or licensed residential facility*, or against a registered nurse or physical therapist, and that arises out of the medical diagnosis, care, or treatment of any person. The House passed version of the bill additionally included in the definition of "medical claim" (1) claims	The Senate passed version of the bill provided that an action upon a claim that is asserted in any civil action against a home or residential facility or against any employee or agent of a home or residential facility, must be commenced within two years after the cause of action arose, including, but not limited to: claims resulting from acts or omissions in providing health care or from the hiring, training, supervision, retention, or termination of health caregivers; or claims brought under the Residents' Rights Law. *(R.C. 2305.10.)* The Senate passed version did not contain R.C. 2305.11, 2711.23, and 2711.24.	The Conference Committee report modifies the definition of "medical claim" for purposes of the statute of limitations as any claim that is asserted in any civil action against a physician, podiatrist, hospital, *home or licensed residential facility* (added by the Conference Committee report), against any employee or agent of a physician, podiatrist, hospital, *home, or licensed residential facility*, or against a registered nurse or physical therapist, and that arises out of the medical diagnosis, care, or treatment of any person. The Conference Committee report additionally includes in the definition of

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	resulting from acts or omissions in providing health care or from the hiring, training, supervision, retention, or termination of health caregivers and (2) claims brought under the Residents' Rights Law. The substantive effect of placing *home or licensed residential facility* in the definition of "medical claim" is the establishment of a one-year statute of limitations for claims arising against a home or licensed residential facility, with the exception that, if prior to the expiration of that one-year period, a claimant who allegedly possesses a claim gives to the person who is the subject of that claim written notice that the claimant is considering bringing an action upon that claim, that action may be commenced against the person notified at any time within 180 days after the notice is so given. Another effect of the change to this definition was to make numerous R.C. sections that used the definition apply also to homes and residential		"medical claim" (1) claims that arise out of the medical diagnosis, care, or treatment of any person and to which either of the following apply: (a) the claim results from acts or omissions in providing medical care or (b) the claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment and (2) claims that arise out of the medical diagnosis, care, or treatment of any person and that are brought under the Residents' Rights Law. The substantive effect of placing *home or licensed residential facility* in the definition of "medical claim" is the establishment of a one-year statute of limitations for claims arising against a home or licensed residential facility, with the exception that, if prior to the expiration of that one-year period, a claimant who allegedly possesses a claim gives to the person who is the subject of that claim written

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	facilities. The House passed version excluded homes and residential facilities from two arbitration statutes that use this definition. *(R.C. 2305.11(D)(3), 2711.23, and 2711.24.)*		notice that the claimant is considering bringing an action upon that claim, that action may be commenced against the person notified at any time within 180 days after the notice is so given. Another effect of the change to this definition is to make numerous R.C. sections that use this definition apply also to homes and residential facilities. *(R.C. 2305.11(D)(3).)*
Accrual of a cause of action under the Residents' Rights Law	No comparable provision.	No comparable provision.	The Conference Committee report specifies that a cause of action brought under the Residents' Rights Law accrues, and the statute of limitations applicable to that cause of action begins to run, based upon the violation of a resident's rights under the Residents' Rights Law, irregardless of the party commencing the action on behalf of the resident or the resident's estate.

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