



Legislation Text

File #: Res 1809-2013, **Version:** *

Res. No. 1809

Resolution calling upon the New York State Legislature to pass, and the Governor to sign into law, A.1056/S.744, which alters the statute of limitations for medical, dental or podiatric malpractice to when a person knows or reasonably should have known of the alleged negligent act or omission rather than when the negligent act or omission took place, and calling on the Legislature to pass or amend legislation to authorize the same change for the New York City Health and Hospitals Corporation and its employees.

By Council Members Vacca and Koppell

Whereas, In New York State, an individual has fifteen months from the date of an act of alleged medical malpractice to initiate a lawsuit for malpractice in the case of a hospital under the auspices of the New York City Health and Hospitals Corporation (HHC) or a physician employed by such hospital; and

Whereas, In the case of other hospitals and physicians in New York State, the statute of limitations is two years and six months from the date of the medical error; and

Whereas, If a patient learns of a medical mistake after the statute of limitations, the patient cannot file a lawsuit, even if there was no way for the patient to have known of the error earlier; and

Whereas, Many states follow a "date of discovery" rule, meaning that the statute of limitations for bringing a lawsuit against a doctor and/or hospital for medical negligence begins on the date that the patient discovers the misconduct, rather than the date the misconduct occurred; and

Whereas, A.1056, by Assemblywoman Weinstein, and companion bill S.744, by Senator Fuschillo, seek to alter the statute of limitations for private medical, dental or podiatric malpractice to two years and six months from the time when a person knows or reasonably should have known of the alleged negligent act or omission and knows or reasonably should have known that such negligent act or omission has caused an injury; and

Whereas, A.1056/S.744 does not also address municipality-owned hospitals or their employees, such as

those under HHC; and

Whereas, In addition to passing A.1056/S.744, the New York State Legislature should also amend state law to alter the statute of limitations for municipality-owned hospitals and their employees to the date of discovery rather than the date of the negligence; and

Whereas, Passing such legislation will provide patients with the opportunity to seek justice when wrongdoing is alleged; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign into law, A.1056/S.744, which alters the statute of limitations for medical, dental or podiatric malpractice to when a person knows or reasonably should have known of the alleged negligent act or omission rather than when the negligent act or omission took place, and calling on the Legislature to pass or amend legislation to authorize the same change for the New York City Health and Hospitals Corporation and its employees.

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