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Missouri Hospital Plan | Providers Insurance Consultants, Inc. | Medical Liability Alliance

LATEST LEGISLATIVE NEWS

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Healthcare Services Group (HSG) has partnered with Missouri Hospital Association, other healthcare associations and business groups for many years to promote tort reform and improve the business climate for our insured healthcare providers. HSG continues to support legislative reform during the 2025 legislative session.

HSG has offered in-person testimony in support of numerous bills that have had committee hearings to date during the current legislative session. The following bills have received the most consideration during the legislative session:

SENATE BILL 47:

This bill intends to update the Missouri rule of civil procedure that governs class action litigation so that it is consistent with standards incorporated in the federal rule of civil procedure that regulates litigation in federal courts. Several Missouri hospitals have recently been the subject of class action lawsuits filed by out-of-state law firms targeting healthcare providers. The bill would create the right to require the court to make findings of fact and conclusions of law to support a ruling to certify a class action.

The appellate court would also be expected to permit the defendant to pursue an immediate appeal of a class certification ruling, instead of having to wait after costly discovery to appeal. The legislation also provides greater transparency regarding the qualifications of plaintiff class counsel, the amount of attorney's fees claimed, and the role of class counsel.

We are pleased to report that the Missouri House and Senate have approved the bill, and it has been signed by Governor Kehoe.

HOUSE BILL 68:

The bill would reduce the statute of limitations for general liability personal injury lawsuits from five to two years. Missouri law already provides that a medical malpractice claim must be filed within two years of the medical treatment at issue, with limited exceptions.

Missouri 's five-year statute of limitations is one of the longest in the United States, and dates to 1939. 47 states have a general liability statute of limitations shorter than Missouri. 25 states currently have a statute of limitations of two years, the time frame proposed in House Bill 68. Several adjoining states

have statutes of limitations of two years or less, including Illinois, Iowa, Kansas, Kentucky, Oklahoma, and Tennessee.

Statutes of limitations are intended to ensure that evidence is fresh and reliable, and that defendant health care providers do not have the threat of litigation hanging over their heads indefinitely. During a span of five years, there is an increased risk of evidence to defend a lawsuit being inadvertently destroyed or misplaced, and witness memories fade.

HOUSE BILL 437:

The bill intends to close a loophole with respect to when rejection of a settlement demand can be admissible in a subsequent claim against an insurance company for alleged bad faith refusal to accept a settlement demand. The bill provides that for any settlement demand to be admissible in evidence in a bad faith refusal to settle claim, the settlement demand must have been open for acceptance for at least 90 days.

If you have any questions regarding these bills, or other legislation, please contact:

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