

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 65

Introduced By: Stuthman, 22
Read first time: January 5, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Hospital-Medical Liability
2 Act; to amend section 44-2828, Reissue Revised Statutes of
3 Nebraska; to change the statute of repose as prescribed; and
4 to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-2828, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-2828. Except as provided in section 25-213, any action to
4 recover damages based on alleged malpractice or professional
5 negligence or upon alleged breach of warranty in rendering or failing
6 to render professional services shall be commenced within two years
7 next after the alleged act or omission in rendering or failing to
8 render professional services providing the basis for such action,
9 except that if the cause of action is not discovered and could not be
10 reasonably discovered within such two-year period, the action may be
11 commenced within one year from the date of such discovery or from the
12 date of discovery of facts which would reasonably lead to such
13 discovery, whichever is earlier. In no event may any action be
14 commenced to recover damages for malpractice or professional
15 negligence or breach of warranty in rendering or failing to render
16 professional services more than ~~ten~~ twenty years after the date of
17 rendering or failing to render such professional service which
18 provides the basis for the cause of action.

19 Sec. 2. Original section 44-2828, Reissue Revised Statutes
20 of Nebraska, is repealed.