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Idaho Supreme Court says medical malpractice suit is time-barred

The statute of limitations for a medical malpractice claim began to run from the date of the plaintiff's surgery rather than the date that a second injury revealed the defendant's negligence, the Idaho Supreme Court has ruled in affirming a dismissal.

The defendant performed spinal surgery on the plaintiff. Because the plaintiff's symptoms subsided after the surgery, he didn't realize at the time that the defendant had negligently operated at the wrong spinal level.

The plaintiff learned of the malpractice after he suffered a second injury that required treatment more than two years later. He subsequently sued the defendant for negligence.

The defendant argued that plaintiff's malpractice suit was barred by the state's two-year statute of limitations because it was filed more than two years following the surgery.

The court agreed, rejecting the plaintiff's contention that the limitations period was tolled until his second injury revealed the malpractice.

"The negligent act was the performance of the surgery at the wrong level. The injury was the removal of healthy tissue and installation of medical hardware at the wrong level. [State law] does not allow for a separate statute of limitation for each injury that occurs from the negligence, it allows for one cause of action that accrues once the act and injury have occurred," the court said.

The court further concluded that the plate and screws intentionally left in the plaintiff's body during his surgery were not "foreign objects" that triggered the state's discovery rule.