

CASE POINT: MEDICAL MALPRACTICE STATUTES OF LIMITATIONS

By: Thomas Waitt Pleasant

If you have a claim against a doctor, nurse or hospital in North Carolina, be careful about the deadlines that apply for bringing suit. They are short, and tricky. Generally, medical malpractice suits must be brought within three years from the date of the last act of the defendant giving rise to the cause of action; or within one year of the date when the injury was or should have been discovered, but not more than four years from the date of the last act of defendant giving rise to the cause of action. N.C. Gen. Stat. §§ 1-15 and 1-52(16) (1996).

Foreign object cases must be brought within one year from the date of discovery, but no longer than ten years from the date of the occurrence. N.C. Gen. Stat. § 1-15 (1996). Wrongful death actions based on alleged medical malpractice must be brought within the foregoing period or within two years from death, whichever is shorter. N.C. Gen. Stat. § 1-53 (1996).

You should not try to determine limitations periods on your own, as there are complicated exceptions to the general rules, and each case is unique. If you or someone you love has been hurt or killed by the mistake of a doctor, nurse or hospital, you should contact a North Carolina attorney or lawyer who handles medical negligence claims.

I am available to discuss your case free of charge, and have office locations in Wilmington, Raleigh and Fayetteville; and in many cases will travel to you if travel is difficult for you.

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