

216C.040 Tolling of statute of limitations -- When complaint considered filed -- Filing fee. (Declared void â€“ See LRC Note Below)

- (1) The filing of a proposed complaint tolls the applicable statute of limitations. The statute of limitations is tolled until ninety (90) days after the claimant has received the opinion of the medical review panel.
- (2) A proposed complaint is considered filed when:
 - (a) A copy of the proposed complaint and the filing fees set forth in subsection (3) of this section are delivered or mailed by registered or certified mail to the cabinet; or
 - (b) An electronic copy of the proposed complaint and the filing fees set forth in subsection (3) of this section are transmitted to the cabinet if the cabinet establishes an electronic filing system.
- (3) Each proposed complaint shall be accompanied by a filing fee, as established by the cabinet.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 22, sec. 5, effective June 29, 2017.

Legislative Research Commission Note (11/15/2018). On November 15, 2018, the Kentucky Supreme Court ruled that the 2017 Medical Review Panel Act, of which this section is part, violated Kentucky Constitution Section 14's guarantee of a right of access to the courts to obtain a remedy for injury and is, therefore, void in its entirety.