

216C.240 Court's jurisdiction to compel or limit discovery, enforce or quash subpoenas, and apply sanctions. (Declared void “ See LRC Note Below)

- (1) A court having jurisdiction over the subject matter and the parties to a proposed complaint filed with the cabinet under this chapter may, upon the filing of a petition as set forth in KRS 216C.250:
 - (a) Entertain motions to compel or limit discovery previously authorized by the chairperson of the medical review panel;
 - (b) Entertain motions to enforce or quash subpoenas issued by the chairperson of the medical review panel; and
 - (c) Entertain motions for sanctions pursuant to KRS 216C.130.
- (2) The court has jurisdiction to entertain a motion filed under this chapter only during that time after a proposed complaint is filed with the cabinet under this chapter but before the medical review panel gives the panel's written opinion.
- (3) The failure of any party to move to compel or limit discovery under this chapter does not constitute the waiver of any affirmative defense or issue of law or fact.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 22, sec. 25, 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.