



# Limitations period for professional negligence applied to injury resulting from equipment used to implement doctor's orders

May 6, 2016

*Flores v. Presbyterian Intercommunity Hospital*  
(2016) \_\_\_ Cal.4th \_\_\_, S209836, 2016 WL \_\_\_\_\_.

Plaintiff Catherine Flores sued Presbyterian Intercommunity Hospital for premises liability and negligence, seeking damages for injuries she sustained (more than one year before filing suit) when a siderail on her hospital bed collapsed and she fell to the floor. The Hospital argued MICRA's one-year statute of limitations for professional negligence barred the action. (Code Civ. Proc., § 340.5.) The trial court sustained the Hospital's demurrer without leave to amend and dismissed the action. Plaintiff appealed, arguing that the accident amounted to general (not professional) negligence, which is subject to a two-year statute of limitations. (Code Civ. Proc., § 335.1.) The Court of Appeal reversed, holding that the action sounded in general negligence because the bed rail did not collapse while the hospital was rendering professional services.

The California Supreme Court reversed the Court of Appeal and reinstated the trial court's dismissal. The Court held that, "if the act or omission that led to the plaintiff's injuries was negligence in the maintenance of equipment that, under the prevailing standard of care, was reasonably required to treat or accommodate a physical or mental condition of the patient, the plaintiff's claim is one of professional negligence under section 340.5." (Slip op. 15.) The Supreme Court indicated that, under this test, the professional negligence statute of limitations would not apply if a person was injured when a chair collapsed in a hospital waiting room. But the Court held that the bed rail collapse in this case was different because a doctor had assessed Flores' condition and had made a medical decision ordering the rails on her bed raised. Accordingly, the Court applied the professional negligence statute of limitations, which barred Flores' claim.

The test adopted by the Supreme Court is a broad one likely to expand the scope of MICRA's applicability.

## More Information

For further information, contact H. Thomas Watson, (818) 995-0800.