SENATE BILL NO. 2941

AN ACT TO PROVIDE VENUE FOR BRINGING A CAUSE OF ACTION AGAINST NURSING HOMES AND OTHER LONG TERM CARE PROVIDERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Actions against nursing homes and other long-term care providers for injury or damages or wrongful death whether in contract or tort based on an alleged breach of standard of care must be brought in the county wherein the act or omission constituting the alleged breach of the standard of care by the defendant actually occurred. If the act or omission took place in more than one county within the State of Mississippi, the action must be brought in the county wherein the plaintiff resided at the time of the act or omission, if the action is one for personal injuries, or wherein the plaintiff's decedent resided at the time of the act or omission if the action is one for wrongful death. If at any time prior to the commencement of the trial of the action it is shown that the plaintiff's injuries or plaintiff's decedent's death did not result from acts or omissions which took place in more than one county, on motion of any defendant the court shall transfer the action to such county wherein the alleged acts or omissions actually occurred. If an action is brought in an improper county, such action may be transferred to the proper county pursuant to Section 11-11-17.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.