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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

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OPINION NO. 85-53

Honorable Jay Bradford
Senator, 28th District
P. O. Box 8367
Pine Bluff, Arkansas 71611

Dear Senator:

This is in response to your request for an opinion on the following question:

Are charges for medical services performed prior to the adoption of Ark. Stat. Ann. §37-245 (Supp. 1983) (Act 638 of 1983) limited to the 18 month Statute of limitations period set out by that Act?

Briefly the answer is no.

Actions for the collection of charges for medical services (debts) which were supplied prior to the passage of Ark. Stat. Ann. §37-245 would be limited by Ark. Stat. Ann. §37-206 (Repl. 1962) which sets a three year Statute of limitation for contracts not in writing. Accordingly, an action for collection of charges for medical services provided prior to the passage of §37-245 would have to be commenced within three years after the service was provided by the physician.

The foregoing opinion, which I hereby approve, was prepared by Matthew Wood Fleming, Assistant Attorney General.

Very truly yours,

STEVE CLARK
Attorney General

SC:MWF:sc