

SUPREME COURT OF OKLAHOMA

Crawford v. OSU Medical Trust

Crawford, 2022 OK 25 (Okla. 2022) · No. 117870 · Decided March 22, 2022

SUMMARY

The Oklahoma Supreme Court held that the discovery rule applies to the commencement of the Governmental Tort Claims Act's one-year notice period for medical negligence claims, but does not delay the period until a plaintiff learns that the alleged tortfeasor was employed by a governmental entity. The court further held that minority does not toll the notice period under 51 O.S. § 156(E), and that the general disability-tolling statute, 12 O.S. § 96, does not apply when the GTCA controls. The court affirmed dismissal of the Crawfords' claims against OSU Medical Trust as untimely and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Kane, V.C.J.; Darby, C.J.; Winchester, J.; Rowe, J.; Kuehn, J.; Combs, J.; Gurich, J.; Kauger, J.; Edmondson, J.
JURISDICTION	Oklahoma
DECIDED	March 22, 2022
DOCKET	117870
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Crawfords sought certiorari review of a certified interlocutory order dismissing their medical-malpractice claims against OSU Medical Trust for failure to provide timely notice under the Governmental Tort Claims Act.
STANDARD OF REVIEW	De novo review applies to dismissal for lack of subject-matter jurisdiction and to questions of law, including statutory interpretation.
PRECEDENTIAL VALUE	published Oklahoma Supreme Court opinion; precedential
PARTIES	Miranda and Colby Crawford, natural parents and on behalf of C.C.C., a minor, Miranda and Colby Crawford, individually v. OSU Medical Trust, a public trust d/b/a OSU Medical Center

TOPICS

medical malpractice

statute of limitations

subject matter jurisdiction

interlocutory appeal

statutory interpretation

PRACTICE AREAS

medical malpractice

governmental tort liability

civil procedure

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the discovery rule applies to commence the one-year Governmental Tort Claims Act notice period for a medical-negligence claim.
2. Whether the discovery rule delays commencement of the notice period until plaintiffs discover that the alleged tortfeasor is employed by a governmental entity.
3. Whether 51 O.S. Supp. 2012 § 156(E) tolls the GTCA notice period because the injured person is a minor.
4. Whether 12 O.S. 2011 § 96's limitations provisions for persons under a legal disability apply to a governmental tort claim involving a minor's medical injury.
5. Whether the Crawfords' untimely notice deprived the district court of jurisdiction over their claims against OSU Medical Trust.

HOLDINGS

1. When the discovery rule applies to the underlying tort, it applies to commencement of the one-year GTCA notice period; accordingly, the discovery rule applies to medical-negligence claims subject to the GTCA.
2. The discovery rule does not toll the one-year GTCA notice period until a plaintiff learns that the alleged tortfeasor is employed by the state or a political subdivision.
3. Section 156(E) does not toll the GTCA notice period because of incapacity arising solely from minority; it applies only when the injured person is unable to give notice because of incapacitation from the injury, and the tolling period may not exceed ninety days.
4. When the GTCA controls, 12 O.S. 2011 § 96 does not apply to extend or toll the GTCA's one-year notice period, including for a minor's medical-malpractice claim.
5. The Crawfords' claims against OSUMC were forever barred because notice was not presented within one year after June 21, 2017; the untimely notice deprived the district court of jurisdiction.

KEY QUOTATIONS

“Thus, we hold the discovery rule applies to the commencement of the one-year notice period when a medical negligence claim is subject to the GTCA.” (¶ 8)

“The discovery rule does not apply in this case as a matter of law.” (¶ 13)

“Continuing to follow Johns, we hold the GTCA, 51 O.S.Supp.2012 § 156, controls as to a cause of action accrued to a minor notwithstanding the provisions of 12 O.S.2011 § 96.” (¶ 18)

“The Crawfords cannot invoke the jurisdiction of the district court.” (¶ 25)

“The discovery rule does not operate to toll commencement of the one-year notice period until the plaintiff learns the tortfeasor is an employee of the state or a political subdivision.” (¶ 26)

FACTUAL BACKGROUND

C.C.C., a minor, was treated by Dr. Sawyer Hall in the emergency room at Saint Francis Hospital on June 16, 2017. After an alleged misdiagnosis, C.C.C.'s eye was removed on June 21, 2017. The Crawfords initially sued Saint Francis, later discovered that Hall was an OSU Medical Trust intern or resident, and gave OSUMC notice of their governmental tort claim on August 22, 2018, more than one year after the eye removal.

PROCEDURAL HISTORY

The Crawfords initially sued Saint Francis Hospital on February 2, 2018, believing Dr. Sawyer Hall was its employee. They learned in February 2018 that Hall was an intern or resident employed by OSU Medical Trust and gave OSUMC notice of their tort claim on August 22, 2018. The district court dismissed OSUMC for lack of jurisdiction based on untimely notice, certified the order for interlocutory review, and the Oklahoma Supreme Court granted certiorari.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The district court's order dismissing OSU Medical Trust is affirmed, and the matter is remanded for further proceedings consistent with the opinion.

CASES CITED

- Anderson v. Eichner, 1994 OK 136, 890 P.2d 1329
- Calvert v. Swinford, 2016 OK 100, 382 P.3d 1028
- Cole v. Josey, 2019 OK 39, 457 P.3d 1007
- Cox Oklahoma Telecom, LLC v. State ex rel. Oklahoma Corporation Commission, 2007 OK 55, 164 P.3d 150
- Cruse v. Board of County Commissioners of Atoka County, 1995 OK 143, 910 P.2d 998
- Darnell v. Chrysler Corp., 1984 OK 57, 687 P.2d 132
- Fanning v. Brown, 2004 OK 7, 85 P.3d 841
- Grisham v. City of Oklahoma City, 2017 OK 69, 404 P.3d 843
- Hall v. GEO Group, Inc., 2014 OK 22, 324 P.3d 399
- Hamilton v. Vaden, 1986 OK 36, 721 P.2d 412

- In re Estate of Speake, 1987 OK 61, 743 P.2d 648
- In re Guardianship of Stanfield, 2012 OK 8, 276 P.3d 989
- Jarvis v. City of Stillwater, 1987 OK 5, 732 P.2d 470
- Johns v. Wynnewood School Board of Education, 1982 OK 101, 656 P.2d 248
- Lykins v. Saint Francis Hospital, Inc., 1995 OK 135, 917 P.2d 1
- Masquat v. DaimlerChrysler Corp., 2008 OK 67, 195 P.3d 48
- Reirdon v. Wilburton Board of Education, 1980 OK 67, 611 P.2d 239
- Robinson v. Oklahoma Nephrology Associates, Inc., 2007 OK 2, 154 P.3d 1250
- Ross v. City of Shawnee, 1984 OK 43, 683 P.2d 535
- Rout v. Crescent Public Works Authority, 1994 OK 85, 878 P.2d 1045
- Seitz v. Jones, 1961 OK 283, 370 P.2d 300
- Smith v. City of Stillwater, 2014 OK 42, 328 P.3d 1192
- TWA v. McKinley, 1988 OK 5, 749 P.2d 108
- Video Gaming Technologies, Inc. v. Tulsa County Board of Tax Roll Corrections, 2019 OK 84, 455 P.3d 918
- Watkins v. Central State Griffin Memorial Hospital, 2016 OK 71, 377 P.3d 124
- Woods v. Prestwick House, Inc., 2011 OK 9, 247 P.3d 1183