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Hinshaw Featured in NYSCA Newsletter: Does New York State's Reduced Statute of Limitations for Medical Debt Apply Retroactively?

In The News | 1 min read

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Matthew Corwin, Nabil Foster, and Samantha Millar recently published an article in the New York State Collectors Association's (NYSCA) *The Empire State Collector* newsletter. Titled "Does New York State's Amended Statute of Limitations for Medical Debt Apply Retroactively? Probably Not, But Too Early to Know for Certain," the article discusses § 213-d of New York's Civil Practice Law and Rules, which was added to New York's 2021 Executive Budget when Governor Andrew Cuomo signed it into law on April 3, 2020.

Section 213-d reduces the statute of limitations in the state of New York for bringing an action to recover a medical debt from six to three years. The authors note the New York legislature failed to address whether the new statute of limitations was intended to apply retroactively. Could a four-year-old medical debt that would be timely under the old six-year statute of limitations now be time-barred by the new three-year limitations period? The authors conclude a presumption against retroactive application in New York "strongly suggests" the new three-year statute of limitations for medical debt does NOT apply retroactively. It remains to be seen how New York courts will interpret the statutory provision and the legislature's intent.

"Does New York State's Amended Statute of Limitations for Medical Debt Apply Retroactively? Probably Not, But Too Early to Know for Certain" was published in the May 2020 edition of the NYSCA's *The Empire State Collector* newsletter.

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