

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

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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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