

St.3d 660, 2004-Ohio-7108, citing, *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

{¶ 4} Plaintiff originally filed his claim under Case No. 2002-09650 on October 29, 2002, but he dismissed that action on December 31, 2003, by filing a notice of voluntary dismissal.

{¶ 5} Defendant argues that plaintiff filed this action outside the applicable one-year statute of limitations for medical claims. Plaintiff argues that his claim is not a medical claim, but an action for bodily injury for which there is a two-year statute of limitations.

{¶ 6} On October 31, 2000, plaintiff was transferred from the Hamilton County Jail to defendant's custody at the Orient Correctional Institution (OCI). At all times relevant to this action, plaintiff was an inmate in the custody and control of defendant pursuant to R.C. 5120.16.

{¶ 7} There is no dispute that plaintiff suffers from a skin disease known as psoriasis and that he began taking prescription medication for his condition in 1990. Paragraph 3 of plaintiff's complaint states that:

{¶ 8} "Upon arrival in the custody of defendant, plaintiff reported to the *physician* who examined him that he had a long history of severe psoriasis, which had been previously controlled through a combination of daily doses of Soriatane 25 MG capsules and Hydroxyzine HCL 25 tablets ***." (Emphasis added.)

{¶ 9} Plaintiff alleges that he was denied his medication when he was transferred to defendant's custody at OCI and that he suffered symptoms of psoriasis with increasing severity from the time he was transferred to OCI until he was transferred to an institutional hospital at Pickaway Correctional Institution (PCI)

in December 2000. Plaintiff did receive treatment at PCI where he remained until shortly before his release on March 2, 2001.

{¶ 10} R.C. 2305.113 states in pertinent part: "(A) Except as otherwise provided in this section, an action upon a medical, dental, optometric, or chiropractic claim shall be commenced within one year after the cause of action accrued."

{¶ 11} "Medical claim" is defined in R.C. 2305.113(E) as:

{¶ 12} "(3) 'Medical claim' means any claim that is asserted in any civil action against a *** hospital, *** that arises out of the medical diagnosis, care, or treatment of any person."

{¶ 13} The term "hospital" is defined in R.C. 2305.113(E)(1) as "any person, corporation, association, board, or authority that is responsible for the operation of any hospital licensed or registered in the state, *including, but not limited to, those that are owned or operated by the state*, political subdivisions, any person, any corporation, or any combination of the state, political subdivisions, persons, and corporations. 'Hospital' also includes any person, corporation, association, board, entity, or authority that is *responsible for the operation of any clinic that employs a full-time staff of physicians practicing in more than one recognized medical specialty and rendering advice, diagnosis, care, and treatment to individuals.* ***." (Emphasis added.)

{¶ 14} It is clear that defendant can be properly defined as a "hospital" as that term is defined in R.C. 2305.113. In this case, defendant employs physicians and medical support staff in its clinics. Thus, plaintiff has made a claim against a "hospital" for purposes of R.C. 2305.113(E).

{¶ 15} It is also clear that plaintiff's action arises out of "the medical diagnosis, care, or treatment" that he received. As

The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

J. CRAIG WRIGHT
Judge

Entry cc:

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Filed January 26, 2006
To S.C. reporter February 13, 2006