# CAPTION: DUMAIS V. CINCINNATI CHILDREN’S HOSPITAL MEDICAL CENTER

**03-20-24**

APPEAL NOS.: C-230190

C-230191

TRIAL NO.: A-2100924

KEY WORDS: CIV.R. 12(B)(6) — R.C. 2305.113 — MEDICAL CLAIM — STATUTE OF REPOSE — R.C. 2305.15

SUMMARY:

The trial court did not err in dismissing plaintiff patient’s claim for vicarious liability against defendant hospital based on the medical-claim statute of repose where R.C. 2305.15 is only applicable to toll claims against the person who is alleged to be out of the state, absconded, or concealed, and there is no claim that the hospital was ever out of the state, absconded, or concealed.

The trial court did not err in dismissing plaintiff patient’s claim for negligent credentialing against defendant hospital based on the medical-claim statute of repose where this court’s precedent establishes that the claim is a medical claim under R.C. 2305.113.

The trial court did not err in dismissing plaintiff patient’s claims for fraud in the concealment and constructive fraud against defendant doctors based on the medical-claim statute of repose where this court’s precedent establishes that the claims are medical claims under R.C. 2305.113 and the last culpable act regarding these claims was the date of the underlying surgery.

JUDGMENT: AFFIRMED

JUDGES: OPINION by ZAYAS, P.J.; CROUSE and KINSLEY, JJ., CONCUR.