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A Win For The Plaintiffs Personal Injury Negligence Bar: California Supreme Court Rules That The Medical Injury Compensation Reform Act (MICRA) Does Not Apply To An Automobile Accident Case Brought Against The Operator Of An Ambulance While Transporting A Patient

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In California, the Medical Injury Compensation Reform Act (MICRA), found in *Code of Civil Procedure*, §340.5, applies to actions against healthcare providers for breach of a duty owed by the healthcare provider. One of the key provisions of MICRA is that there is a one-year statute of limitations for actions that apply within the MICRA statute. Many in the Plaintiffs bar have argued that MICRA should not apply to actions against healthcare providers for a breach of a duty owed to the public generally, as opposed to a violation of obligations owed to a patient (and, if the action is founded in negligence, for personal injury, there would be a two year statute of limitations, as set forth in *Code of Civil Procedure* § 335.1). This issue was directly addressed, ultimately, by the California Supreme Court in Francisco Gutierrez v. Uriel Tostado (2025) Lexis 4772 ("Gutierrez case").

The Gutierrez case involved a personal injury automobile accident. In that regard, Francisco Gutierrez was driving his truck on a California highway when an ambulance driven by Uriel Tostado, and owned by Tostado's employer, ProTransport-1, LLC, struck Gutierrez' vehicle from behind. At the time of the accident, Tostado, a licensed emergency medical technician, was transporting a patient between regional medical centers (and another EMT was attending to the same patient in the back of the ambulance). Gutierrez sued Tostado and Tostado's employer in January 2020, claiming the collision caused him to suffer neck and back injuries. The Complaint, filed by Plaintiff Gutierrez, was for general negligence involving a motor vehicle. The Defendants moved for Summary Judgment on the ground that the Plaintiff's action was time-barred under the MICRA one year statute of limitations, found in *Code of Civil Procedure* § 340.5. Gutierrez opposed the Motion, maintaining his claim was founded in general negligence and that he had filed within the two-year statute of limitations for general negligence claims, as set forth in *Code of Civil Procedure* § 335.1.

The trial court granted the Defendants' Motion for Summary Judgment, finding that the MICRA statute of limitations applied, and the Court of Appeal, albeit divided, affirmed in the decision, Gutierrez v. Tostado (2023) 97 Cal.App.5th 786. The majority of the Court of Appeal reasoned that MICRA was "not limited to suits by patients or to recipients of medical services, as long as the plaintiff was injured due to negligence of the rendering of professional services." There was a dissent.

The California Supreme Court then granted Gutierrez' Petition for Review. The California Supreme Court reversed, holding that the MICRA statute does not apply to general negligence actions where the medical care provider was in the course of providing services to a patient unrelated to the Plaintiff. The California Supreme Court explained that extending MICRA to general negligence actions would expand the MICRA statute to a degree not contemplated by the legislature. In that regard, the California Supreme Court pointed out that Gutierrez was not alleging the Defendants were negligent in performing "medical diagnostics or treatment" of the patient whom they transporting, and instead Plaintiff Gutierrez was alleging the Defendants were negligent in failing to obey traffic laws.

The Gutierrez case is important in that the California Supreme Court has ruled that medical care providers, such as EMTs, who are negligent in operating an ambulance, will not be protected by the MICRA statute.

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