

28 hearing process; and

29 (C) the panel's determination has no legally binding effect on the outcome of the
30 subsequent action but is merely one item of evidence that is to be weighed and considered with
31 the rest of the evidence in the action.

32 (2) No panelist may be compelled to testify in a civil action subsequently filed with
33 regard to the subject matter of the panel's review. A panelist has immunity from civil liability
34 arising from participation as a panelist and for all communications, findings, opinions, and
35 conclusions made in the course and scope of duties prescribed by this section.

36 (3) Nothing in this chapter may be interpreted to prohibit the division from considering
37 any information contained in a statutory notice of intent to commence action, request for
38 prelitigation panel review, or written findings of a panel with respect to the division's
39 determining whether a licensee engaged in unprofessional or unlawful conduct.

40 Section 2. **Purpose.**

41 The purpose of this legislation is to:

42 (1) recognize the value of Utah's prelitigation process and the contribution made to the
43 process by panel members;

44 (2) encourage the parties to make a good faith effort to present meaningful evidence
45 and argument to the panel; and

46 (3) permit the trier of fact to consider the determination of the prelitigation panel on the
47 question of whether or not the case has merit.

Legislative Review Note
as of 1-28-03 6:45 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel