

HB 318: Dental Provider Malpractice Amendments



This bill exempts dental care providers from prelitigation panels in a healthcare malpractice action.

Why is HB 318 important?

- A prelitigation panel is conducted by DOPL to give parties a non-binding review of the case with neutral experts, an attorney, and a lay person citizen before a lawsuit is filed.
- A prelitigation panel is required in Utah when someone sues for malpractice against a healthcare provider (doctors, nurses, etc). Dentists are exempt from this requirement, yet in current Utah code the term "dentist" only includes the individually-licensed dentist that is exempt. This creates an odd situation where a prelitigation panel is **NOT** required when an individual dentist is sued, but **IS** required when a member of the dentist's staff or dentist's business entity is also named in the lawsuit.
- This bill clarifies that not only are *dentists* exempt from the prelitigation process (as they have always been), but that the *dentist's staff and business entity* are also exempt from the prelitigation panel.
- Further, after the 2019 Utah Supreme Court decision that a prelitigation panel's opinion of the merit of a case cannot prevent the plaintiff from filing suit, the value of prelitigation panels is limited (*Vega v. Jordan Valley Medical Center, LP, 2019 UT 35*)

What is the benefit of HB 318?

- More logical use of the dentist exemption
- Less confusion for plaintiffs and defendants
- Reduced attorney expenses for both patient and dentist