

58-13-4 Liability immunity for health care providers on committees -- Evaluating and approving medical care.

- (1) As used in this section, "health care provider" has the same meaning as in Section 78B-3-403.
- (2) Health care providers serving in the following capacities and the organizations or entities sponsoring these activities are immune from liability with respect to deliberations, decisions, or determinations made or information furnished in good faith and without malice:
 - (a) serving on committees:
 - (i) established to determine if hospitals and long-term care facilities are being used properly;
 - (ii) established to evaluate and improve the quality of health care or determine whether provided health care was necessary, appropriate, properly performed, or provided at a reasonable cost;
 - (iii) functioning under Pub. L. No. 89-97 or as professional standards review organizations under Pub. L. No. 92-603;
 - (iv) that are ethical standards review committees; or
 - (v) that are similar to committees listed in this Subsection (2) and that are established by any hospital, professional association, the Utah Medical Association, or one of its component medical societies to evaluate or review the diagnosis or treatment of, or the performance of health or hospital services to, patients within this state;
 - (b) members of licensing boards established under Title 58, Occupations and Professions, to license and regulate health care providers; and
 - (c) health care providers or other persons furnishing information to those committees, as required by law, voluntarily, or upon official request.
- (3) This section does not relieve any health care provider from liability incurred in providing professional care and treatment to any patient.
- (4) Health care providers serving on committees or providing information described in this section are presumed to have acted in good faith and without malice, absent clear and convincing evidence to the contrary.

Amended by Chapter 3, 2008 General Session