

78B-3-407 Limitation on actions against health care providers when parent or guardian refuses to consent to health care of child.

- (1) A malpractice action against a health care provider may not be brought on the basis of the consequences resulting from the refusal of a child's parent or guardian to consent to the child's health care, if:
 - (a) the health care is recommended by the health care provider;
 - (b) the parent or guardian is provided with sufficient information to make an informed decision regarding the recommendation of the health care provider; and
 - (c) the consent of the parent or guardian is required by law before the health care may be administered.
- (2) The sole purpose of this section is to prohibit a malpractice action against a health care provider under the circumstances set forth by this section. This section may not be construed to:
 - (a) create a new cause of action;
 - (b) expand an existing cause of action;
 - (c) impose a new duty on a health care provider; or
 - (d) expand an existing duty of a health care provider.

Renumbered and Amended by Chapter 3, 2008 General Session