

**Effective 5/10/2016**

**78B-3-418 Decision and recommendations of panel -- No judicial or other review.**

- (1)
  - (a) The panel shall issue an opinion and the division shall issue a certificate of compliance with the pre-litigation hearing requirements of this part in accordance with this section.
  - (b) A certificate of compliance issued in accordance with this section is proof that the claimant has complied with all conditions precedent under this part prior to the commencement of litigation as required in Subsection 78B-3-412(1).
- (2)
  - (a) The panel shall render its opinion in writing not later than 30 days after the end of the proceedings, and determine on the basis of the evidence whether:
    - (i) each claim against each health care provider has merit or has no merit; and
    - (ii) if a claim is meritorious, whether the conduct complained of resulted in harm to the claimant.
  - (b) There is no judicial or other review or appeal of the panel's decision or recommendations.
- (3) The division shall issue a certificate of compliance to the claimant, for each respondent named in the intent to file a claim under this part, if:
  - (a) for a named respondent, the panel issues an opinion of merit under Subsections (2)(a)(i) and (ii);
  - (b) for a named respondent, the claimant files an affidavit of merit in accordance with Section 78B-3-423 if the opinion under Subsection (1)(a) is non-meritorious under either Subsection (2)(a)(i) or (ii);
  - (c) the claimant has complied with the provisions of Subsections 78B-3-416(3)(c) and (d); or
  - (d) the parties submitted a stipulation under Subsection 78B-3-416(3)(e).

Amended by Chapter 257, 2016 General Session