1	ARBITRATION FOR MEDICAL PROVIDERS
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Michael G. Waddoups
5	AN ACT RELATING TO THE JUDICIAL CODE; ESTABLISHING REQUIREMENTS FOR
6	ARBITRATION AGREEMENTS BETWEEN PATIENTS AND HEALTH CARE PROVIDERS.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	ENACTS:
9	78-14-17 , Utah Code Annotated 1953
10	Be it enacted by the Legislature of the state of Utah:
11	Section 1. Section 78-14-17 is enacted to read:
12	78-14-17. Arbitration agreements.
13	(1) For a binding arbitration agreement between a patient and a health care provider to be
14	valid:
15	(a) the patient, before the agreement is signed, shall be given a verbal explanation of the
16	purpose and material terms of the agreement, including:
17	(i) the requirement that the patient must arbitrate a claim instead of having the claim heard
18	by a judge or jury;
19	(ii) the role of an arbitrator and the manner in which arbitrators are selected under the
20	agreement;
21	(iii) the patient's responsibility, if any, for arbitration-related costs under the agreement;
22	<u>and</u>
23	(iv) the right of the patient to decline to enter into the agreement and still receive health
24	care; and
25	(b) the agreement shall:
26	(i) provide a fair and impartial method for selecting arbitrators, identifying conflicts of
27	interest, and removing arbitrators who have a conflict of interest;

28	(ii) prohibit physicians or health care providers from constituting a majority of arbitrators;
29	(iii) be given to the patient no less than 24 hours before any surgical procedure; and
30	(iv) give the patient no less than 30 days following the receipt of health care to rescind the
31	agreement.
32	(2) Notwithstanding Subsection (1), a health care provider may not:
33	(a) request the parent or legal guardian of a minor or incapacitated person to agree to
34	binding arbitration on behalf of the minor or incapacitated person; or
35	(b) require a patient to agree to binding arbitration as a condition of receiving health care
36	of any kind.
37	(3) This section does not apply to any arbitration agreement that is subject to the Federal
38	Arbitration Act, 9 U.S.C. Sec. 1 et seq.

Legislative Review Note as of 2-15-99 10:58 AM

S.B. 240

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

Office of Legislative Research and General Counsel

02-16-99 7:55 AM

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