

IN THE SENATE

SENATE BILL NO. 1399

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1821, IDAHO CODE, TO PROVIDE NO PHYSICIAN-PATIENT RELATIONSHIP FOR CERTAIN INFORMAL CONSULTATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 18, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1821, Idaho Code, and to read as follows:

54-1821. NO PHYSICIAN-PATIENT RELATIONSHIP FOR INFORMAL CONSULTATIONS. (1) No physician-patient relationship is created between a physician licensed under this chapter and an individual not otherwise a patient of that physician when a physician is contacted by another physician or licensed health care practitioner who is treating the patient for a consultation or advice, if:

(a) The consulted physician does not examine the patient; and

(b) Such consultation or advice is given by the physician to the physician or health care practitioner treating the patient without expectation of compensation for providing such consultation or advice.

(2) A consulted physician who does not have a physician-patient relationship with a patient by virtue of this section shall not be named on any special verdict form concerning care provided to the patient unless there is a basis of liability to the patient independent of the consultation.