

## **STATEMENT OF PURPOSE**

### **RS19712C1**

The delivery of quality medical care depends on the free flow of information between health care professionals. In order to determine the best way to treat a patient, a doctor frequently must consult medical treatises and websites or seek the advice of another doctor with specialized knowledge. Some courts have held that a doctor who is consulted by a physician treating a patient may have a doctor-patient relationship with a patient he or she has not seen and therefore may be responsible for the care provided by the treating physician to the patient. As a consequence, doctors who are consulted are reluctant to provide advice or counsel since they may become liable for care provided by another doctor to a patient they haven't examined and may not even know. That is not good for quality health care and is not good for patients.

This legislation would create a safe harbor by clarifying that a doctor who does not see a patient and only provides counsel to another doctor without expectation of compensation does not have a physician-patient relationship with that patient. Hopefully this will re-open lines of communication, make specialized knowledge more available to treating physicians and improve patient care.

### **FISCAL NOTE**

No fiscal impact to the general fund.

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