

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 23
CLAIMS AGAINST NURSING FACILITIES

6-2301. PRELITIGATION HEARING PANEL -- LICENSED NURSING FACILITIES. In the event of an alleged negligence or wrongful death case involving a claim for damages against a licensed nursing facility operating in the state of Idaho, the Idaho state board of examiners of nursing home administrators is directed to cooperate in providing a prelitigation hearing panel. The panel shall operate in the nature of a special civil grand jury and procedure for prelitigation consideration of personal injury and wrongful death claims for damages arising out of the provision of or alleged failure to provide medical, nursing, or health care services in the state of Idaho. The proceedings shall be informal and nonbinding, but shall be compulsory as a condition precedent to litigation. Proceedings conducted or maintained under the authority of this chapter shall at all times be subject to disclosure according to chapter 1, title 74, Idaho Code. Formal rules of evidence shall not apply and all proceedings shall be expeditious and informal.

[6-2301, added 1999, ch. 395, sec. 1, p. 1094; am. 2015, ch. 141, sec. 5, p. 381.]

6-2302. APPOINTMENT OF HEARING PANEL. The board of examiners of nursing home administrators shall provide for and appoint an appropriate panel or panels to accept and hear complaints of negligence and damages, made by or on behalf of any patient who is an alleged victim of negligence. The panels shall include one (1) person who is a then serving licensed administrator of a licensed nursing facility in the state of Idaho. One (1) additional member of each such panel shall be appointed by the commissioners of the Idaho state bar, which person shall be a resident lawyer licensed to practice law in the state of Idaho, and shall serve as chairman of the panel. The panelists so appointed shall select by unanimous decision a layman panelist who shall not be a lawyer, doctor or nursing facility employee but who shall be a responsible adult citizen of Idaho. All panelists shall swear under oath that they are without bias or conflict of interest as respects any matter under consideration.

[6-2302, added 1999, ch. 395, sec. 1, p. 1094.]

6-2303. FEES -- CONFIDENTIALITY. The Idaho state board of examiners of nursing home administrators shall provide, by uniform policy of the board, for the payment of fees and expenses of members of panels, such payment to be made from the occupational licenses fund. Panel members shall serve upon the sworn commitment that all related matters shall be subject to disclosure according to chapter 1, title 74, Idaho Code, and privileged.

[6-2303, added 1999, ch. 395, sec. 1, p. 1095; am. 2015, ch. 141, sec. 6, p. 381.]

6-2304. APPLICATION OF LAWS. Sections 6-1003, 6-1004, 6-1005, 6-1006, 6-1007, 6-1008, 6-1009 and 6-1011, Idaho Code, shall apply to prelitigation panels conducted pursuant to this chapter.

[6-2304, added 1999, ch. 395, sec. 1, p. 1095.]