

IN THE SENATE

SENATE BILL NO. 1399

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PHYSICIANS AND SURGEONS; AMENDING CHAPTER 18, TITLE 54, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 54-1821, IDAHO CODE, TO PROVIDE NO
3 PHYSICIAN-PATIENT RELATIONSHIP FOR CERTAIN INFORMAL CONSULTATIONS.
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5 Be It Enacted by the Legislature of the State of Idaho:

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

9 54-1821. NO PHYSICIAN-PATIENT RELATIONSHIP FOR INFORMAL
10 CONSULTATIONS. (1) No physician-patient relationship is created between
11 a physician licensed under this chapter and an individual not otherwise a
12 patient of that physician when a physician is contacted by another physician
13 or licensed health care practitioner who is treating the patient for a
14 consultation or advice, if:

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

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

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