

**13-1119B. Duty of hospital; granting staff privileges.**

In determining whether a [physician] [\_\_\_\_\_] (*other practitioner*) should be permitted to exercise clinical privileges as a member of the hospital staff, a hospital has a duty to exercise reasonable diligence in obtaining and acting upon information concerning the competence of [applicants to] [members of] its staff. A hospital that [grants clinical privileges to] [permits the continued exercise of clinical privileges by] an individual, when the hospital knew or reasonably should have known that the individual was not qualified to exercise those privileges with reasonable skill, is negligent.

**USE NOTES**

This instruction should be given where the evidence supports a claim that the hospital was negligent in granting or failing to restrict the clinical privileges of an incompetent practitioner who, in exercising those privileges, injured a patient. The appropriate bracketed language should be given. The trial court must determine whether a breach of the hospital's duty can only be established by expert testimony in the particular case at issue. The instruction should be supplemented accordingly. See committee commentary.

[Approved, effective September 27, 1999.]