

13-1120A. Hospital vicarious liability; employees.

A hospital is responsible for injuries proximately resulting from the negligence of its employees, such as _____ (*insert appropriate terms*) [occurring within the scope of their employment].

USE NOTES

This instruction should be given when the plaintiff claims that a hospital is vicariously liable for the negligence of an employee. The name of the employee or the proper job description, such as nurses, orderlies, technicians, etc., should be inserted in the blank.

The bracketed language should be used if there is an issue regarding whether the employee was acting within his or her scope of employment. In such a case UJI 13-407 NMRA, which defines scope of employment, should be given with this instruction. [13-1120 NMRA; as amended, effective January 1, 1987; August 15, 1997; as recompiled and amended, effective September 27, 1999.]