

13-1120B. Hospital vicarious liability; non-employees.

A hospital is responsible for injuries proximately resulting from the negligence of health care providers who are not hospital employees, such as in _____¹, if the hospital, through its conduct, created the appearance that it was the provider of these services to the public.

FOOTNOTE

1. Insert description of the applicable department, such as in "a full-service emergency room".

USE NOTES

This instruction should be given when the plaintiff claims that a hospital is vicariously liable for the negligent conduct of a non-employee practitioner providing hospital-based patient care. If the court determines that the hospital is liable as a matter of law for the acts of a non-employee practitioner, then UJI 13-405 should be used in place of this instruction.

[Approved, effective September 27, 1999.]