

Liability: Physician Transferring Patient

Utah Code Ann. 26-8a-601(5)

A physician who, in good faith and without compensation, plays a role in the transfer of a patient from a hospital, which, in the physician's medical judgment, can no longer provide adequate care for the patient to a critical care unit in another hospital will not be held legally responsible. The critical care unit must have signed an agreement to provide the necessary treatment to the patient.

Persons and activities exempt from civil liability

(5) A physician who gratuitously and in good faith arranges for, requests, recommends, or initiates the transfer of a patient from a hospital to a critical care unit in another hospital is not liable for any civil damages as a result of such transfer where:

(a) sound medical judgment indicates that the patient's medical condition is beyond the care capability of the transferring hospital or the medical community in which that hospital is located; and

(b) the physician has secured an agreement from the receiving facility to accept and render necessary treatment to the patient.