

### **13-1114. Liability of doctor for negligence of others.**

A doctor is liable for the negligence of an assistant, nurse, doctor, technician or other person if:

1. the doctor has the right to control the manner in which the details of the particular activity giving rise to the injury are performed; and
2. the particular activity giving rise to the injury is being performed under the immediate and direct supervision of the doctor.

A doctor is not liable for the negligence of another where the doctor's only right is to make mere suggestions as to the particular activity being performed in cooperation with such other person.

#### **USE NOTES**

This instruction is to be given in cases where the doctor is claimed to be vicariously liable for the negligence of one who is not a general employee of the doctor. In cases where the doctor is claimed to be the general employer of the negligent person, the instructions contained in Chapter 4 would be applicable.

[As amended, effective January 1, 1987; August 15, 1997; approved, effective February 24, 1998.]