**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.]