

**216C.070 Selection of chairperson of medical review panel. (Declared void “ See LRC Note Below)**

The chairperson of a medical review panel shall be selected in the following manner:

- (1) Within ten (10) days after service of the complaint on all defendants as described in KRS 216C.050, the cabinet shall notify the parties to select a panel chairperson by agreement. If no agreement on a panel chairperson can be reached within twenty (20) days of service upon all parties, any party may request the cabinet to select a list of potential chairpersons;
- (2) Upon receipt of a twenty-five dollar (\$25) medical review panel chairperson selection fee from the party making the request, the cabinet shall draw at random a list of five (5) names of attorneys who:
  - (a) Are licensed to practice law in the Commonwealth of Kentucky;
  - (b) Applied to serve as the chairperson of a panel and are on the list of attorneys maintained by the cabinet pursuant to subsection (8) of this section; and
  - (c) Practice in the Supreme Court district in which the case would be filed or, if five (5) attorneys cannot be drawn from that Supreme Court district, from an adjacent Supreme Court district;
- (3) The cabinet shall notify the parties, and the parties shall then strike names alternately, with the plaintiff striking first until one (1) name remains. If there is more than one (1) plaintiff or more than one (1) defendant, the plaintiffs shall make their strikes collectively and the defendants shall make their strikes collectively. The remaining attorney shall be the chairperson of the panel;
- (4) After the striking, the party making the last strike shall notify the chairperson and all other parties of the name of the chairperson;
- (5) If a party does not strike a name within five (5) days after receiving notice from the cabinet:
  - (a) The opposing party shall, in writing, request the cabinet to strike for the nonresponsive party; and
  - (b) The cabinet shall draw at random a name to strike and shall strike that name;
- (6) When one (1) name remains, the cabinet shall within five (5) days notify the chairperson and all other parties of the name of the chairperson;
- (7) Within fifteen (15) days after being notified of being selected as chairperson, the chairperson shall:
  - (a) Send a written acknowledgment of appointment to the cabinet; or
  - (b) Show good cause for relief from serving as provided in KRS 216C.120; and
- (8) The cabinet shall maintain a list of attorneys who have applied to serve as chairperson of a medical review panel, as described in KRS 216C.060. This list shall be used to select a chairperson if the parties do not agree on a chairperson.

**Effective:** June 29, 2017

**History:** Created 2017 Ky. Acts ch. 22, sec. 8, effective June 29, 2017.

**Legislative Research Commission Note** (11/15/2018). On November 15, 2018, the Kentucky Supreme Court ruled that the 2017 Medical Review Panel Act, of which

this section is part, violated Kentucky Constitution Section 14's guarantee of a right of access to the courts to obtain a remedy for injury and is, therefore, void in its entirety.