

216C.180 Opinion of medical review panel after submission of all evidence -- Conclusion to be reached by majority of voting panel members -- Effect of opinion. (Declared void “ See LRC Note Below)

- (1) The panel has the sole duty to express the panel's opinion as to whether or not the evidence supports the conclusion that a defendant or defendants acted or failed to act within the appropriate standards of care as charged in the complaint and whether any such failure was a substantial factor in providing a negative outcome for that patient.
- (2) After reviewing all evidence, the panel shall, within thirty (30) days of receipt of the defendants' evidence submitted under KRS 216C.160, give as to each defendant one (1) of the following opinions, which shall be in writing and signed by the panelists:
 - (a) The evidence supports the conclusion that the specifically identified defendant failed to comply with the appropriate standard of care as charged in the complaint and the conduct was a substantial factor in producing a negative outcome for the patient;
 - (b) The evidence supports the conclusion that the specifically identified defendant failed to comply with the appropriate standard of care as charged in the complaint, but the conduct was not a substantial factor in producing a negative outcome for the patient; or
 - (c) The evidence does not support the conclusion that the specifically identified defendant failed to meet the applicable standard of care as charged in the complaint.
- (3) In order to give the opinion of the panel in accordance with subsection (2) of this section, two (2) or more of the members of the panel shall agree on the conclusion.
- (4) After the panel gives its opinion as to each defendant, the panel is dissolved and shall take no further action.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 22, sec. 19, 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.