

Appendix B

Medical Negligence/ Malpractice Pattern Jury Instructions:

DIRECT EVIDENCE OF NEGLIGENCE

809.00 MEDICAL NEGLIGENCE - DIRECT EVIDENCE OF NEGLIGENCE ONLY.

(Use for claims arising before 1 October 2011. For claims arising on or after 1 October 2011, use N.C.P.I.- Civil 809.00A.)

809.00A MEDICAL MALPRACTICE—DIRECT EVIDENCE OF NEGLIGENCE ONLY.

(Use for claims arising on or after 1 October 2011. For claims arising before 1 October 2011, use N.C.P.I.—Civil 809.00.)

“RES IPSA LOQUITUR”

809.03 MEDICAL NEGLIGENCE - INDIRECT EVIDENCE OF NEGLIGENCE ONLY. (“RES IPSA LOQUITUR”).

(Use for claims arising before 1 October 2011.)

809.03A MEDICAL MALPRACTICE—INDIRECT EVIDENCE OF NEGLIGENCE ONLY. (“RES IPSA LOQUITUR”).

(Use for claims arising on or after 1 October 2011.)

809.05 MEDICAL NEGLIGENCE - BOTH DIRECT AND INDIRECT EVIDENCE OF NEGLIGENCE.

(Use for claims arising before 1 October 2011.)

809.05A MEDICAL MALPRACTICE—BOTH DIRECT AND INDIRECT EVIDENCE OF NEGLIGENCE.

(Use for claims arising on or after 1 October 2011.)

CORPORATE OR ADMINISTRATIVE NEGLIGENCE

809.06 MEDICAL MALPRACTICE - CORPORATE OR ADMINISTRATIVE NEGLIGENCE BY HOSPITAL, NURSING HOME OR ADULT CARE HOME.

(Use for claims arising on or after 1 October 2011.)

DEFENSE OF LIMITATION BY NOTICE OR SPECIAL AGREEMENT

809.07 MEDICAL NEGLIGENCE - DEFENSE OF LIMITATION BY NOTICE OR SPECIAL AGREEMENT

EMERGENCY MEDICAL CONDITION

809.20 MEDICAL MALPRACTICE - EXISTENCE OF EMERGENCY MEDICAL CONDITION.

(Use for claims arising on or after 1 October 2011.)

809.22 MEDICAL MALPRACTICE—EMERGENCY MEDICAL CONDITION— DIRECT EVIDENCE OF NEGLIGENCE ONLY.

(Use for claims arising on or after 1 October 2011. For claims arising before 1 October 2011, use N.C.P.I.—Civil 809.00.)

809.24 MEDICAL MALPRACTICE—EMERGENCY MEDICAL CONDITION -INDIRECT EVIDENCE OF NEGLIGENCE ONLY (“RES IPSA LOQUITUR”).

(Use for claims arising on or after 1 October 2011. For claims arising before 1 October 2011, use N.C.P.I.—Civil 809.03.)

809.26 MEDICAL MALPRACTICE—EMERGENCY MEDICAL CONDITION—

BOTH DIRECT AND INDIRECT EVIDENCE OF NEGLIGENCE.

(Use for claims arising on or after 1 October 2011.)

809.28 MEDICAL MALPRACTICE - EMERGENCY MEDICAL CONDITION - CORPORATE OR ADMINISTRATIVE NEGLIGENCE BY HOSPITAL, NURSING HOME OR ADULT CARE HOME.

(Use for claims arising on or after 1 October 2011.)

INFORMED CONSENT—ACTUAL AND CONSTRUCTIVE

809.45 Medical NEGLIGENCE—Informed Consent—Actual and Constructive.

RESPONDEAT SUPERIOR

809.65 MEDICAL NEGLIGENCE - HEALTH CARE PROVIDER'S LIABILITY FOR ACTS OF NON-EMPLOYEE AGENTS - RESPONDEAT SUPERIOR.

(Use for claims arising before 1 October 2011.)

809.65A MEDICAL MALPRACTICE—HEALTH CARE PROVIDER'S LIABILITY FOR ACTS OF NON-EMPLOYEE AGENTS—RESPONDEAT SUPERIOR.

(Use for claims arising on or after 1 October 2011.)

809.66 MEDICAL NEGLIGENCE—HEALTH CARE PROVIDER'S LIABILITY FOR ACTS OF NON-EMPLOYEE AGENTS—RESPONDEAT SUPERIOR—APPARENT AGENCY.

LIABILITY FOR SELECTION OF ATTENDING PHYSICIAN.

809.75 MEDICAL NEGLIGENCE—INSTITUTIONAL HEALTH CARE PROVIDER'S LIABILITY FOR SELECTION OF ATTENDING PHYSICIAN.

(Use for claims arising before 1 October 2011. For claims arising on or after 1 October 2011, use either N.C.P.I.—Civil 809.00A or N.C.P.I.—Civil 809.06.)

HEALTH CARE PROVIDER'S LIABILITY FOR AGENTS

809.80 MEDICAL NEGLIGENCE - INSTITUTIONAL HEALTH CARE PROVIDER'S LIABILITY FOR AGENTS; EXISTENCE OF AGENCY.

DAMAGES - PERSONAL INJURY

809.100 MEDICAL MALPRACTICE - DAMAGES - PERSONAL INJURY GENERALLY.

809.114 MEDICAL MALPRACTICE PERSONAL INJURY DAMAGES - PERMANENT INJURY - ECONOMIC DAMAGES.

(Use for medical malpractice cases filed on or after 1 October 2011. For all other cases, use N.C.P.I.-Civil 810.14.)

809.115 MEDICAL MALPRACTICE PERSONAL INJURY DAMAGES - PERMANENT INJURY - NON-ECONOMIC DAMAGES.

(Use for medical malpractice cases filed on or after 1 October 2011. For all other cases, use N.C.P.I.-Civil 810.14.)

809.120 MEDICAL MALPRACTICE PERSONAL INJURY DAMAGES - FINAL MANDATE (REGULAR).

(Use for medical malpractice claims filed on or after 1 October 2011. For all claims filed before 1 October 2011, use N.C.P.I.-Civil 810.20 or 810.22.)

809.122 MEDICAL MALPRACTICE - PERSONAL INJURY DAMAGES - FINAL MANDATE (PER DIEM ARGUMENT BY COUNSEL).

(Use for medical malpractice claims filed on or after 1 October 2011 when a per diem argument is made.)

DAMAGES-WRONGFUL DEATH

809.142 MEDICAL MALPRACTICE - DAMAGES - WRONGFUL DEATH GENERALLY.

(Use for claims filed on or after 1 October 2011. For claims filed before 1 October 2011, use N.C.P.I.-Civil 810.42 et seq.)

809.151 MEDICAL MALPRACTICE WRONGFUL DEATH DAMAGES - PRESENT MONETARY VALUE OF DECEASED TO NEXT-OF-KIN - NON-ECONOMIC DAMAGES.

(Use for claims filed on or after 1 October 2011. For claims filed before 1 October 2011, use N.C.P.I.-Civil 810.50.)

809.154 MEDICAL MALPRACTICE WRONGFUL DEATH DAMAGES - Final Mandate (Regular).

(Use for medical malpractice wrongful death claims filed on or after 1 October 2011.)

809.156 MEDICAL MALPRACTICE WRONGFUL DEATH DAMAGES - Final Mandate (per diem ARGUMENT)

(Use for medical malpractice wrongful death claims filed on or after 1 October 2011)

809.160 MEDICAL MALPRACTICE - DAMAGES - NO LIMIT ON NON-ECONOMIC DAMAGES.

(Use for medical malpractice claims filed on or after 1 October 2011.)