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Arizona bill would shield medical students from malpractice lawsuits

A bill currently awaiting action in the Arizona state Senate would prevent patients injured by medical students from being able to sue them. If the bill passes, students under the supervision of a licensed health care professional would not be liable for malpractice unless there was clear and convincing evidence that the student acted with gross negligence.

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As with many proposed legislative bills, the proposal sounds like a solution in search of a problem. It's not clear that medical students EVER get sued for malpractice, and even if they were, the logical person to hold accountable would be the supervising physician who failed to oversee the student's conduct. But legal immunity is always a slippery concept, because one ambiguity in this bill is whether ANYONE would be liable if the student hurt someone.

Critics of the proposed bill maintain that there is no reason to grant immunity to someone actually providing health care (as opposed to just studying) and that such immunity could provoke irresponsibility.

But proponents of the bill argue that victims would not be without recourse, noting that the supervising physician, his/her employer and/or the student's university would likely incur the costs of defending such malpractice suits. They also point out that being named a defendant in a malpractice lawsuit will follow the student around, potentially making it harder to find work and increasing malpractice insurance rates.

One Democratic Senator is demanding specific language in the final version of the bill that would clearly spell out that the supervising physician would be liable for any malpractice attributable to a medical student.

Source: [Arizona Daily Sun](#)

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