

§2855. Findings by panel

1. Negligence and causation. At the conclusion of the presentations, the panel shall make its findings in writing within 30 days by answering the following questions:

A. Whether the acts or omissions complained of constitute a deviation from the applicable standard of care by the health care practitioner or health care provider charged with that care; [PL 1999, c. 523, §3 (AMD).]

A-1. [PL 1999, c. 668, §103 (RP).]

B. Whether the acts or omissions complained of proximately caused the injury complained of; and [PL 1999, c. 523, §3 (AMD).]

C. If negligence on the part of the health care practitioner or health care provider is found, whether any negligence on the part of the patient was equal to or greater than the negligence on the part of the practitioner or provider. [PL 1989, c. 361, §§8, 10 (NEW).]
[PL 1999, c. 668, §103 (AMD).]

2. Standard of proof. The standard of proof used by the panel shall be:

A. The plaintiff must prove negligence and proximate causation by a preponderance of the evidence; and [PL 1989, c. 361, §§8, 10 (NEW).]

B. The defendant must prove comparative negligence by a preponderance of the evidence. [PL 1989, c. 361, §§8, 10 (NEW).]
[PL 1989, c. 361, §§8, 10 (RPR).]

SECTION HISTORY

PL 1985, c. 804, §§12,22 (NEW). PL 1989, c. 361, §§8,10 (RPR). PL 1991, c. 505, §5 (AMD). PL 1999, c. 523, §3 (AMD). PL 1999, c. 668, §103 (AMD).

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