

Sample Arbitration Clause

The following language may be incorporated into the hospital's "Conditions of Admission" form as its first clause:

Article 1 • Arbitration

It is understood that any dispute as to medical malpractice, that is, as to whether any medical services rendered under this contract were unnecessary or unauthorized or were improperly, negligently or incompetently rendered, will be determined by submission to arbitration as provided by California law, and not by a lawsuit or resort to court process except as California law provides for judicial review of arbitration proceedings. Both parties to this contract, by entering into it, are giving up their constitutional right to have any such dispute decided in a court of law before a jury, and instead are accepting the use of arbitration.¹

Such arbitration shall be in accordance with the current Medical Arbitration Rules of the California Medical Association and the California Hospital Association (copies available at hospital admission office). This arbitration agreement shall apply to any legal claim or civil action in connection with this hospitalization or outpatient service, against the hospital or its employees and any doctor of medicine who has agreed, at the time of your admission, as evidenced by a written agreement in the physician's medical staff file, to be bound by this provision, unless patient or undersigned initials below or unless rescinded by written notice within 30 days of signature. An agreement to arbitrate shall not be a precondition to the furnishing of services under this agreement.

If a patient or undersigned does not agree to arbitration then he/she will initial here: _____

This Hospital Admission Agreement shall bind the parties hereto, including newborns, and the heirs, representatives, executors, administrators, successors, and assigns of such parties and newborns.

Notice: Unless you initial in the space provided following Article 1 or give notification as provided therein, by signing this contract you are agreeing to have any issue of medical malpractice decided by neutral arbitration and you are giving up your right to a jury or court trial. See Article 1 of this contract.²

Date: _____ Time: _____ AM / PM

Signature: _____
(patient/legal representative)

If signed by someone other than patient, indicate relationship: _____

Print name: _____
(legal representative)

Hospital name: _____

Signature: _____
(hospital's duly authorized representative)

Print name: _____
(hospital's duly authorized representative)

1 Additional language must be inserted if intended to cover other disputes, such as payment disputes.

2 This paragraph must appear in at least 12 point bold red type immediately before the signature line [Code of Civil Procedure Section 1295(b), Health and Safety Code Section 123222.1].

Clausula Modelo Para el Arbitraje

The following language may be incorporated into the hospital's "Conditions of Admission" form as *its first* clause:

Artículo 1 • Arbitraje

Se entiende que cualquier disputa con respecto al ejercicio indebido de la medicina, es decir, en cuanto a si cualesquiera de los servicios médicos prestados conforme a este contrato fueron innecesarios o no autorizados o si se prestaron de manera impropia, negligente o incompetente, se determinará mediante sometimiento a arbitraje, conforme lo dispone la ley de California, y no mediante una demanda judicial ni recurriendo a un proceso ante un tribunal, salvo conforme disponga la ley de California en casos de revisión judicial de los procedimientos de arbitraje. Ambas partes en el presente contrato, al celebrarlo, renuncian a su derecho constitucional a que se decida cualquier disputa de este tipo en un tribunal ante un jurado, y en lugar de ello están aceptando el uso del arbitraje.¹

Dicho arbitraje será de conformidad con las actuales Reglas de Arbitraje Médico de la Asociación Médica de California y la Asociación Hospital de California (hay copias disponibles en la oficina de admisiones del hospital). Este acuerdo de arbitraje se aplicará a cualquier reclamación legal o acción civil en relación con esta hospitalización o servicio de paciente externo, en contra del hospital o sus empleados y cualquier doctor en medicina que haya acordado, al momento de la admisión de usted, según lo demuestre un acuerdo por escrito en el expediente del personal médico del doctor, obligarse mediante la presente disposición, a menos que el paciente o el suscrito coloque sus iniciales al calce o a menos que sea rescindido mediante aviso por escrito dentro de los 30 días siguientes a la firma. Un acuerdo de someterse a arbitraje no será una condición previa a la prestación de servicios de conformidad con el presente acuerdo.

Si un paciente o el suscrito no están de acuerdo en el arbitraje, entonces deberán colocar sus iniciales aquí: _____

El presente Acuerdo de Admisión al Hospital obligará a las partes que lo celebran, incluyendo a los recién nacidos, y los herederos, representantes, albaceas, administradores, sucesores y cesionarios de dichas partes y recién nacidos.

Aviso: A menos que usted coloque sus iniciales en el espacio indicado despues del Artículo 1 o avise conforme se preve en el presente, al firmar este contrato esta usted dando su consentimiento a que cualquier cuestion de ejercito indebido de la medicina sea decidida mediante arbitraje neutral y esta usted renunciando a su derecho a un juicio ante un jurado o un juez. Lea el Artículo 1 de este contrato.²

(sobre)

1 Additional language must be inserted if intended to cover other disputes, such as payment disputes.

2 This paragraph must appear in at least 12 point bold red type immediately before the signature line [Code of Civil Procedure Section 1295(b), Health and Safety Code Section 123222.1].

Fecha: _____ Hora: _____ AM / PM

Firma: _____
(paciente o representante legal)

Si no lo firma el paciente, indique la relación con éste: _____

Nombre en letra de imprenta: _____
(representante legal)

Hospital: _____

Signature: _____
(hospital's duly authorized representative)

Print name: _____
(hospital's duly authorized representative)