

1 **13-1120A. Hospital vicarious liability; employees.**

2 A hospital is responsible for injuries proximately resulting from the negligence of its
3 employees, such as _____ (*insert appropriate terms*) [occurring within the
4 scope of their employment].

5 USE NOTES

6 This instruction should be given when the plaintiff claims that a hospital is vicariously
7 liable for the negligence of an employee. The name of the employee or the proper job description,
8 such as nurses, orderlies, technicians, etc., should be inserted in the blank.

9 The bracketed language should be used if there is an issue regarding whether the employee
10 was acting within [~~his or her~~ their] scope of employment. In such a case UJI 13-407 NMRA, which
11 defines scope of employment, should be given with this instruction.

12 [13-1120 NMRA; as amended, effective January 1, 1987; August 15, 1997; as recompiled and
13 amended, effective September 27, 1999; as amended by Supreme Court Order No. S-1-RCR-2025-
14 00126, effective for all cases pending or filed on or after December 31, 2025.]

15 **Committee commentary.** — Principles of agency law, as expressed in Chapter 4, govern a
16 hospital's liability for the acts of its employees. *See Dessauer v. Memorial Gen. Hosp.*, 96 N.M.
17 92, 628 P.2d 337 (Ct. App. 1981).