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Hospitals seek protection from some lawsuits

In 2009, Idaho justices ruled hospitals can be held liable for decisions based on peer review.

Health care institutions are seeking immunity through a bill in the Legislature. But opponents say the bill wouldn't help patients or physicians.

BACKGROUND

Under Idaho law, hospitals and other health care organizations must use peer review. Giving, receiving or using information and opinions in the peer-review process has been immune from liability since 1973. But the court said hospitals' decisions based on that information are not immune - a technical but important distinction. Hospitals say such decisions should be protected, too.

Patients would still be able to sue hospitals for negligence. But the hospital could not be sued for decisions such as credentialing or privileging doctors that resulted from a peer-review process.

NOTEWORTHY

The Idaho Supreme Court ruling came in a negligent credentialing lawsuit by Boisean Ray Harrison against Saint Alphonsus Regional Medical Center and two doctors in response to treatment Harrison received there. He now suffers from brain damage and physical impairments. The hospital believed it had immunity. The court said it didn't. "The passing of this bill would be extremely detrimental to all the citizens of Idaho," said his wife, Julie Harrison. "There would be no protection for people who go into the hospital expecting to be treated and released in better health than when they came in. É It gives the hospitals free rein to let anyone practice medicine in their facility with no accountability for their actions." The bill is not retroactive and will not affect Harrison's case, which was remanded to the lower courts.

WHO'S FOR THE BILL?

The Idaho Hospital Association proposed the bill and the Idaho Primary Care Association testified on its behalf. They said not granting immunity would make physicians less willing to participate in peer review.

WHO'S AGAINST?

The Harrisons' lawyer, Eric Rossman, said the bill would "make Idaho the only state in the union that provides absolute immunity to hospital boards in credentialing." Joseph Verska, a Treasure Valley spinal surgeon, testified that physicians would have no recourse under the bill for action taken against them by hospital boards.

WHAT'S NEXT

Testimony in the House Health and Welfare Committee will continue at 1:30 p.m. Thursday in Room EW42 at the Capitol. The Senate has already approved it, 21-13.