



Becker v. Mayo Foundation, 737 N.W.2d 200 (Minn. 2007)

Topics Covered: Professional Liability, Abusive Litigation Against Physicians

Outcome: Neutral

Issue

The issue in this case was whether a statute allowing a government prosecutor to bring a criminal charge against hospitals and physicians for failure to report the neglect and physical or sexual abuse of children could be expanded to impose civil liability under a private right of action.

AMA Interest

The AMA strives to avoid the expansion of liability theories against physicians, which can lead to abusive litigation.

Case Summary

The Minnesota Child Abuse Reporting Act (CARA) requires hospitals and physicians to report suspected child abuse to county authorities. The plaintiffs in this case, adoptive parents of a child who had suffered permanent injuries from the repeated physical abuse of her birth father, claimed that the defendant hospital and physicians had negligently failed to report the abuse. They sought to establish a new civil cause of action under CARA. The trial court held that the statute did not create a non-governmental cause of action, even if the hospital's emergency room physicians had negligently failed to report the child abuse. The child's parents appealed to the Minnesota Court of Appeals, which affirmed the trial court. They then appealed that decision to the Minnesota Supreme Court.

The Minnesota Supreme Court ruled that CARA cannot be enforced by a non-government entity. However, the Court also ruled that a (non-statutory) medical malpractice claim could be brought for failure to report abuse to the appropriate governmental agency and that, in bringing such a claim, a plaintiff may introduce evidence of the statute and its reporting obligations. The Court remanded for another trial.

Litigation Center Involvement

The AMA, the Minnesota Medical Association, the Minnesota Hospital Association, and several specialty medical societies filed an amicus curiae brief in the Minnesota Supreme Court in support of Mayo Foundation, arguing against recognition of a new cause of action for negligent failure to report child abuse under CARA.

Minnesota Supreme Court brief