



Crow v. Penrose-St. Francis Healthcare System, 169 P.3d 158 (Colo. 2007)

Topics Covered: Peer Review, Due Process and Hospitals

Outcome: Unfavorable

Issue

The issue in this case was whether a medical peer review action should proceed without judicial interference, notwithstanding the physician's claimed denial of due process.

AMA Interest

The AMA supports the peer review process, but it also believes that a physician's due process rights must be respected.

Case Summary

Dr. Crow, a physician on the medical staff of Penrose-St. Francis Hospital, brought a lawsuit to challenge a peer review action pending against him. He alleged that the peer review proceedings were procedurally flawed in many respects, his privileges had been summarily suspended, and his reputation injured while the hospital unduly protracted the proceedings. He asked that the peer review be enjoined and that he be awarded monetary damages. The hospital moved to dismiss the trial court proceeding, primarily on the ground that the dispute was not yet "ripe" (i.e., adequately concrete and defined to warrant judicial decision), but that motion was denied.

After the trial court refused to dismiss the case, the hospital, in an extraordinary action, asked the Colorado Supreme Court to order the trial court to dismiss Dr. Crow's suit. The hospital asserted that Dr. Crow's suit, if allowed to continue prior to the completion of the peer review proceedings, would chill the conduct of further peer review actions.

The Colorado Supreme Court ruled that Dr. Crow's case should be dismissed as premature. Thus, Dr. Crow would have to wait until exhaustion of the peer review process before he could challenge it. The Supreme Court did not address the hospital's contention that Dr. Crow's suit would unduly chill peer review in Colorado.

Litigation Center Involvement

The Litigation Center filed a brief in the Colorado Supreme Court on behalf of the AMA, the Colorado Medical Society, and the American College of Surgeons. The brief advised the Supreme Court how organized medicine believes the public health interests in peer review should be balanced against the private concern for due process. It recommended that the Supreme Court allow the trial court to retain jurisdiction over the case.

Supreme Court of Colorado brief