



La Follette v. Marin General Hospital (Marin Cty., Cal. Super. Ct.)

Topics Covered: Medical Staff, Due Process and Hospitals

Outcome: Favorable

Issue

The issue in this case was whether a hospital could restrict a physician's medical staff privileges without granting that physician's request for a formal peer review hearing on the restriction.

AMA Interest

The AMA supports the right of medical staff members to have timely and fair peer review hearings.

Case Summary

Dr. Lizellen La Follette was an obstetrician-gynecologist at Marin General Hospital. The hospital summarily restricted her medical staff privileges, requiring her to undergo a six-month period of observation during which she was not allowed to deliver babies unless another physician was present. Dr. La Follette believed that this restriction was unwarranted, and she requested a formal peer review hearing. The six-month observation period passed, but the hospital, without explanation, failed to provide the hearing. Meanwhile, Dr. La Follette's record remained blemished, and she was required to report the disciplinary action on applications for medical staff privileges elsewhere.

Dr. La Follette sued the hospital for declaratory relief, an injunction to clear her name, and monetary damages. The court awarded her the declaratory relief and the injunction, so the only remaining issue was her claim for emotional distress damages resulting from the hospital's negligence. The trial court held that Dr. La Follette could not pursue such a claim in the absence of other forms of monetary damage, and dismissed this element of her case. Dr. La Follette decided not to appeal this issue.

Litigation Center Involvement

The Litigation Center and the California Medical Association each awarded Dr. La Follette a financial grant to offset her legal expenses.