



Larson v. Wasemiller, 738 N.W.2d 300 (Minn. 2007)

Topics Covered: Medical Staff, Hospitals

Outcome: Very Unfavorable

Issue

The issue in this case was whether a cause of action exists against a hospital for negligent medical staff credentialing.

AMA Interest

The AMA supports the peer review process, including maintaining the confidentiality of that process in order to safeguard its effectiveness.

Case Summary

A patient claimed that her surgery fell below an acceptable standard of care. She and her husband sued the surgeon and the hospital at which the surgery had been performed. The plaintiffs asserted that the hospital knew or should have known that the surgeon was incompetent. Therefore, the hospital should not have credentialed the surgeon. The hospital moved to dismiss, asserting that negligent credentialing was not a recognized cause of action. The court denied the defendants' motion, finding that although negligent credentialing had never been adjudicated in Minnesota, such a claim could exist. The court then certified the question for immediate appeal as a novel and important issue of law.

The Minnesota Court of Appeals reversed the trial court and remanded the case, holding that Minnesota does not recognize a cause of action for negligent credentialing of a physician. The plaintiffs then appealed to the Minnesota Supreme Court.

The Minnesota Supreme Court reversed the court of appeals and upheld the trial court's determination. The case was remanded to the trial court.

Litigation Center Involvement

The Litigation Center filed an amicus brief with the Minnesota Court of Appeals and with the Minnesota Supreme Court. The briefs opposed the recognition of a cause of action for wrongful credentialing. The briefs pointed out that a wrongful credentialing claim would invoke evidence (either to prosecute or defend the case) privileged by the Minnesota peer review law and would open evidentiary issues prejudicial to the principal malpractice claim.

Minnesota Court of Appeals brief

Minnesota Supreme Court brief