



Podgurski v. Grey, 189 F.ed 461 (2nd Cir. 1999) (unpublished opinion)

Topics Covered: Peer Review

Outcome: Unfavorable

Issue

The issue in this case was whether the Connecticut peer review statute prohibited lawsuits altogether against physicians who reviewed their colleagues' professional performance or whether the statute merely protected those physicians from liability after a full trial on the question of the peer reviewers' good faith.

AMA Interest

The AMA encourages physicians to participate in the peer review process.

Case Summary

Podgurski was a resident physician. Her supervisor smelled alcohol on her breath during a performance evaluation and referred the matter for peer review.

Podgurski sued Grey, one of her reviewer, and the peer review organization for defamation, invasion of privacy, and intentional and negligent infliction of emotional distress. The defendants moved for summary judgment, but that motion was denied. The district found a factual question as to whether the defendants were acting in good faith. The defendants appealed the denial of their summary judgment motion.

The Court of Appeals dismissed the appeal for want of jurisdiction but suggested that the district court re-examine whether plaintiff could present any evidence of the defendants' alleged malice sufficient to place the immunity issue in dispute. On remand, the district court granted defendants' motion for a finding of immunity and dismissed the action.

Litigation Center Involvement

The Litigation Center, along with the Connecticut State Medical Society, filed an amicus brief before the United States Court of Appeals for the Second Circuit, supporting the defendants.