



Riuli v. Barakat (Md. Spec. App.)

Topics Covered: Physician-Patient Relationship, Ethics

Outcome: Neutral

Issue

The issue in this case was whether physicians should have legal standing to advocate for their patients.

AMA Interest

The AMA believes that physicians have the right and the responsibility to advocate for their patients.

Case Summary

A cardiology practice dissolved its partnership. The departing physicians set up a new practice, while the remaining physicians carried on the old one. The departing physicians, citing CEJA Opinion 7.03, contended that either they or the former partnership was required to notify the patients of the old practice of the new address of the departing physicians. The issue was how many of those patients should be notified. The departing physicians said that 10,000 patients should be notified, whereas the remaining physicians said that only 1,500 patients should be notified.

The trial court held that, although the patients of the departing physicians deserved notice of their new address, the departing physicians themselves lacked standing to request such notification. Therefore, the trial court refused to decide how many patients should have received the notice.

The Maryland Court of Special Appeals affirmed in part and reversed in part. The Court held that the departing physicians had waived their argument that they had standing to vindicate their patients' rights. The court remanded the case, because the trial court had erroneously failed to consider whether the plaintiffs should be allowed to seek modification of the injunction due to a change in circumstances.

The case ultimately settled.

Litigation Center Involvement

The Litigation Center along with MedChi, the Maryland State Medical Society, filed an *amicus* brief supporting the appeal. The brief did not take sides between the physicians on the ultimate merits, and it did not suggest how many patients should have received the notice.