



# South Dakota Peer Review Cases (Yankton Cnty, S.Dak.)

Topics Covered: Peer Review

**Outcome: Favorable**

## **Issue**

The issue in these cases was whether the South Dakota statute protecting the confidentiality of peer review decision making is constitutional.

## **AMA Interest**

The AMA supports legislation that protects the confidentiality of peer review information and privileges such information from legal discovery.

## **Case Summary**

Several cases were filed in the South Dakota state courts, which alleged medical negligence in hospitals. Although the allegations were probably irrelevant to the requested relief, some of the complaints in these cases asserted that the South Dakota law protecting peer review confidentiality was invalid under both the federal and state constitutions.

The defendants in two of these cases had planned to contest the validity of the constitutional claims through motions for summary judgment. Shortly before the motions were filed, however, the plaintiffs indicated they would voluntarily withdraw their allegations of peer review law unconstitutionality.

## **Litigation Center Involvement**

Before the plaintiffs altered their position regarding the constitutionality of the peer review confidentiality statute, the South Dakota State Medical Association (SDSMA) had planned to file amicus briefs in support of the defendants' contemplated motions for summary judgment. Since the motions were not filed, the SDSMA amicus briefs were not filed either.

The Litigation Center offered to contribute toward the expense of the contemplated SDSMA amicus briefs.