



Vizzoni v. Mulford-Dera (N.J. Super. Ct. App. Div.)

Topics Covered: Abusive Litigation Against Physicians, Patient Privacy

Issue

The issue in this case is whether a psychiatrist owes a duty to a third-party injured by the psychiatrist's patient.

AMA Interest

The AMA opposes abusive lawsuits against physicians. Further, the AMA believes that physicians should safeguard patient confidences and privacy.

Case Summary

Barbara Mulford-Dera hit and killed a bicyclist, Judith Schrope, while driving under the influence of psychotropic medications. When the police interviewed her, Mulford-Dera told them that her psychiatrist, Stefan Lerner, had prescribed the medications but failed to warn her that she should not drive while under their influence.

Tracey L. Vizzoni, the executor of Schrope's estate, sued, among others, Dr. Lerner. Dr. Lerner moved for and was granted summary judgment. The judge observed that, because Schrope was not Dr. Lerner's patient, he could not be liable, even if he breached the standard of care.

Vizzoni appealed to the Superior Court Appellate Division, the intermediate court of appeals in New Jersey.

Litigation Center Involvement

The Litigation Center, along with the Medical Society of New Jersey, filed an amicus brief to support Dr. Lerner. The brief argued that an expansion of physician liability to persons other than the physician's patients would diminish the availability of health care.

Superior Court of New Jersey brief