



Leadbitter v. Keystone Anesthesia Consultants, 256 A.3d 1164 (Pa. S. Ct. 2021)

Topics Covered: Peer Review

Outcome: Very Favorable

Issue

The issue in this case was whether documents analyzed by a hospital's credentialing review committee are protected from litigation discovery under the Pennsylvania Peer Review Protection Act (PRPA) and/or the Federal Healthcare Quality Improvement Act (HCQIA).

AMA Interest

The AMA believes that peer review data should be kept confidential.

Case Summary

Plaintiff brought a negligence action against a hospital and various physicians, alleging improperly performed spinal surgeries. During discovery, Plaintiff sought the production of documents that the hospital's credentialing committee had reviewed as part of the surgeon's application for hospital privileges. Notwithstanding the hospital's objection, the trial court ordered production of the unredacted credentialing file.

The hospital appealed to the Pennsylvania Superior Court, which affirmed. The hospital appealed to the Pennsylvania Supreme Court.

On August 17, 2021, the Pennsylvania Supreme Court reversed the decisions below, holding that the documents did not have to be generated by a peer review committee to receive protection from production. This was a very favorable result and was consistent with the position in the Litigation Center brief.

Litigation Center Involvement

The Litigation Center, along with the Pennsylvania Medical Society, filed an *amicus* brief to support the hospital's objection to the document production.

Pennsylvania Supreme Court Brief