



# Rieder v. Segal, 959 N.W.2d 423 (Iowa 2021)

Topics Covered: Medical Staff

## Outcome: Neutral

### Issue

The issue in this case was whether Iowa should recognize negligent credentialing as an actionable tort.

### AMA Interest

The AMA opposes negligent credentialing lawsuits.

### Case Summary

Dr. David Segal of Mercy Hospital operated on Roxanne Rieder. On the date of Rieder's discharge from the hospital, the Iowa Board of Medicine (IBM) filed a "statement of charges" against Dr. Segal, alleging in part that he "demonstrated professional incompetency . . . when he failed to provide appropriate neurosurgical care to several patients in Cedar Rapids, Iowa." Plaintiff was not one of the patients implicated in the IBM charges.

After experiencing complications from the surgery, Rieder sued the hospital, alleging that its negligent credentialing of Dr. Segal had caused her injuries. The hospital moved for partial summary judgment "as to the narrow issue of whether a hospital has a duty to immediately limit, restrict, or suspend privileges of a credentialed physician merely upon the notification of an inquiry and/or investigation by IBM. The hospital asserted that no such duty exists. It filed a second motion for summary judgment on the ground that there was no factual basis to support the claim of negligent credentialing. The district court granted both motions and entered judgment for the hospital.

The Iowa Court of Appeals reversed both rulings, and the hospital appealed to the Iowa Supreme Court. On May 14, 2021, the Supreme Court reversed the Court of Appeals and the trial court, without squarely addressing whether Iowa recognizes the tort of negligent credentialing of medical staff privileges.

### Litigation Center Involvement

The Litigation Center, along with the Iowa Medical Society, filed an *amicus* brief in the Iowa Supreme Court to support Mercy Hospital.

Iowa Supreme Court Brief