



Russell v. ECFMG, 15 F.4th 259 (3d Cir. 2021)

Topics Covered: Professional Liability, Medical Education

Outcome: Favorable

Issue

The issue in this case was whether the Educational Commission for Foreign Medical Graduates (ECFMG) can be held liable to a class of patients who suffered emotional distress on account of ECFMG's mistaken credentialing of a Nigerian immigrant, who fraudulently passed himself off as a physician.

AMA Interest

The AMA supports the work of ECFMG, and it opposes negligent credentialing lawsuits.

Case Summary

After using a series of false names and forged documents, Oluwafemi Charles Igberase convinced ECFMG to certify him, in 1996, as a Nigerian physician – although he was not. Thereafter, Igberase successfully completed a residency program, obtained medical licenses in two states, obtained certification from a medical specialty board, received hospital privileges, and secured employment at various doctors' offices. Eventually, Igberase's fraud was discovered, and he fled the country.

Four of Igberase's former patients sued ECFMG for negligent infliction of emotional distress, on behalf of themselves and on behalf of a class of former patients. The United States District Court in Philadelphia certified this class, and ECFMG appealed the class certification to the United States Court of Appeals for the Third Circuit.

On September 24, 2021, the Third Circuit reversed the district court's decision, finding that class certification was improper, and remanded for further proceedings. This is a favorable decision consistent with the Litigation Center's position in the case.

Litigation Center Involvement

The Litigation Center filed an *amicus* brief with the Third Circuit on behalf of the AMA, the Pennsylvania Medical Society, and the Association of American Medical Colleges to support ECFMG.

Third Circuit Court of Appeals Brief