



Ungurian v. Beyzman (Pa. S. Ct.)

Topics Covered: Peer Review

Outcome: Neutral

Issue

The issue in this case was whether hospital peer review documents should be produced in discovery.

AMA Interest

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

Case Summary

Plaintiff sued Wilkes-Barre Hospital Company (the Hospital), multiple physicians, and other corporate entities. Plaintiff alleged negligence during a cystoscopy procedure to remove kidney stones, which led to the total and permanent incapacity of her son. During discovery, Plaintiff sought the production of various Hospital documents that analyzed the circumstances of Plaintiff's injury. The Hospital objected to the discovery, claiming that the documents were privileged under the Federal Patient Safety Quality Improvement Act and/or the Pennsylvania Peer Review Protection Act. The trial court ordered production of the Hospital documents, finding the privilege claims inapplicable.

The Hospital appealed to the Pennsylvania Superior Court, objecting to the production of the documents at issue, but the Pennsylvania Superior Court affirmed the trial court's holding. The Hospital submitted an appeal application to the Pennsylvania Supreme Court.

Following the application and before a decision could be issued, the parties settled the case.

Litigation Center Involvement

The Litigation Center, along with the Pennsylvania Medical Society and numerous other health care organizations, submitted an *amicus* brief to the Pennsylvania Supreme Court, which supported the Hospital's appeal application.

Pennsylvania Supreme Court Brief