



Atteberry v. Longmont United Hospital, 221 F.R.D. 644 (D.Colo. 2004)

Topics Covered: Peer Review

Outcome: Very Unfavorable

Issue

The issue in this case was whether a hospital's medical peer review records should be disclosed in litigation.

AMA Interest

The AMA supports the peer review process. It believes that the proceedings of the peer review investigation and of the deliberative body must be kept confidential if the process is to work effectively.

Case Summary

This lawsuit, brought against a hospital and a physician, was based partly on a claimed violation of the Emergency Medical Treatment and Active Labor Act ("EMTALA") and partly on a claim of state law medical negligence. The plaintiff sought to require the hospital to produce medical peer review information in pre-trial discovery. The defendants objected, based on a Colorado statute that protects medical peer review documents from disclosure. Because federal courts have discretion as to whether to recognize state evidentiary privileges in suits that include a federal claim, the magistrate judge recommended that the presiding judge order the hospital to disclose the requested peer review records. The defendants objected, and the issue was appealed to the presiding judge, who upheld the magistrate's recommendation and ordered production of the peer review materials.

Litigation Center Involvement

The Litigation Center filed an amicus curiae brief to support the defendants' objection to disclosure. The brief argued that disclosure of peer review documents would weaken the peer review process. This, in turn, could undermine quality control of medical care within hospitals and other institutions that engage in peer review. At the same time, disclosure of medical peer review documents would not significantly improve the truth-seeking function of the judicial system.

United States District Court for the District of Colorado