



# Chadha v. Charlotte Hungerford Hospital, 829 A.2d 419 (Conn. 2003)

Topics: Abusive Litigation Against Physicians, Medical Staff

## Outcome: Very Unfavorable

### Issue

The principal issue in this case was whether physicians who communicated with the Connecticut Department of Public Health about the professional competence of another physician were entitled to absolute immunity against a suit for defamation or were only entitled to immunity if they had acted without malice.

### AMA Interest

The AMA believes that physicians have an ethical obligation to report incompetent colleagues to appropriate authorities.

### Case Summary

The plaintiff, Mohinder P. Chadha, M.D., was a licensed psychiatrist and a member of the Charlotte Hungerford Hospital medical staff. The Connecticut Medical Examining Board initiated a disciplinary action against his medical license.

At the request of the Department of Public Health, four physicians submitted affidavits to the Department of Public Health expressing concerns about Dr. Chadha's ability to practice medicine safely. Two of these physicians were on the Charlotte Hungerford Hospital medical staff, and the other one had, pursuant to the hospital's request, reviewed the medical records of some of Dr. Chadha's patients. The Medical Examining Board then suspended Dr. Chadha's medical license.

Dr. Chadha sued the four physicians who had submitted affidavits against him as well as Charlotte Hungerford Hospital. He alleged that the physicians had defamed him by maliciously submitting false affidavits.

The defendants moved for summary judgment, claiming that their statements had been made in "a quasi-judicial proceeding" and they therefore had absolute immunity against a suit for defamation under Connecticut common law. The trial court granted the motion in part, but it also denied it in part, holding that the defendant physicians did not have absolute immunity. The physicians then appealed the partial denial of their motion to the Appellate Court of Connecticut.

The Appellate Court noted that the physicians would have been entitled to absolute immunity under Connecticut common law. However, it held, the Connecticut peer review statute had modified the common law and now they could obtain immunity only if they were able to show

that their statements to the Department of Public Health had been submitted in good faith and with the reasonable belief that they were true. Such a showing would require a trial, and therefore the Appellate Court affirmed the trial court's partial denial of the motion for summary judgment. The case was then appealed to the Connecticut Supreme Court.

The Connecticut Supreme Court affirmed, holding that the Connecticut peer review statute modified the common law right of absolute immunity. Thus, the defendant physicians were only entitled to qualified immunity.

### **Litigation Center Involvement**

The Litigation Center submitted an amicus brief supporting the defendants. The brief argued that the peer review statute had not been intended to diminish the physicians' common law immunity rights.

Connecticut Supreme Court brief