



# Grove v. PeaceHealth St. Joseph Hospital, 182 Wn.2d 136 (Wash. 2014)

Topics Covered: Abusive Litigation Against Physicians, Professional Liability

## **Outcome: Very Unfavorable**

### **Issue**

The issue in this case was whether a hospital could be found liable for medical malpractice if the evidence fails to identify one or more individual health care providers who were medically negligent and whose negligence could be attributed to the hospital.

### **AMA Interest**

The AMA strives to avoid the expansion of liability theories against physicians, which can lead to abusive litigation.

### **Case Summary**

Raymond Grove underwent cardiac surgery at PeaceHealth St. Joseph Medical Center, after which he developed a number of complications. Among these was “compartment syndrome,” which is a condition that can develop from a long surgery. Grove’s compartment syndrome was not detected early, and he suffered permanent injury to his left leg.

Grove sued the hospital for medical malpractice, along with two of his physicians. Testimony from both sides indicated that a “team” of physicians, physician assistants, nurses, and ancillary staff had cared for Grove. Grove’s expert testified that the medical care that was provided fell below acceptable standards because Grove had not been properly monitored. A jury found that the hospital has been negligent and awarded Grove \$583,000 in damages.

The hospital then moved for judgment in its favor, notwithstanding the verdict. It argued that under the Washington law of medical malpractice liability must be premised on the negligence of a specific individual. Since no individual had been found negligent, the hospital could not be liable. The trial judge accepted this argument and entered judgment for the hospital.

Grove appealed to the Washington Court of Appeals. The Court of Appeals observed that medical malpractice in Washington State is a statutory cause of action. Under the statute, liability can be found only if “[t]he health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider at that time in the profession or class to which he or she belongs.” RCW 7.70.040. A “team” of persons would not be considered a health care provider under this provision and Grove did not identify a specific individual who failed to meet the necessary standard of care. Therefore, the Court of Appeals affirmed the trial court decision. Grove appealed to the Washington Supreme Court.

On December 11, 2014, the Supreme Court reversed. It found that the surgeons in charge of Grove's recovery had failed to meet the required standard of care. It further found that, regardless of whether the evidence pinpointed negligence attributable to a specific individual, the hospital could be liable on account of its own failure to meet the standard of care.

### **Litigation Center Involvement**

The Litigation Center made a financial contribution towards an *amicus* brief filed by the Washington State Medical Association.

WSMA amicus brief