



Hui v. Castenada, 180 S.Ct. 1845 (2010)

Topics Covered: Professional Liability, Federal Tort Claims Act and Public Health Service

Outcome: Very Favorable

Issue

The issue in this case was whether the Federal Tort Claims Act, 42 U.S.C. § 233(a) (FTCA), immunizes Public Health Service (PHS) officers and employees from legal liability for “constitutional torts.”

AMA Interest

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

Case Summary

Yanira Castaneda, an alien, was held in various correctional facilities on account of his repeated criminal activities. While he was incarcerated at one of these facilities, PHS, a division of the United States Department of Health and Human Services, was responsible for his medical care. Following his complaints that he was in dire need of medical attention, Castaneda died of penile cancer. His estate sued the United States and various government officials, alleging inadequate treatment. Among those sued were two PHS employees, Esther Hui, MD and Stephen Gonsalves (not a physician).

The FTCA provides for compensation from the United States for personal injuries relating to “medical, surgical, dental, or related functions.” It precludes claims against “any commissioned officer or employee of [PHS] while acting within the scope of his office or employment” for such injuries. Based on this law, the defendants moved to dismiss Castaneda’s suit. The trial court denied the motion, and the case was then appealed to the United States Court of Appeals for the Ninth Circuit.

The Ninth Circuit recognized that the FTCA precludes lawsuits against PHS employees for ordinary medical negligence. However, it found that Castaneda’s estate had alleged something more. Specifically, the estate had alleged “deliberate indifference to serious medical needs,” which the Ninth Circuit characterized as “a constitutional tort.” It held that the FTCA does not provide immunity from such constitutional torts, and it affirmed the trial court.

The case was then appealed to the Supreme Court, which reversed. The Court further held that the FTCA established the exclusive remedy for tort claims arising against PHS officers in the performance of their duties.

AMA Involvement

The AMA, along with the American Academy of Family Physicians, the Commissioned Officers Association of the United States Public Health Service, and the Uniformed Services Academy of Family Physicians, filed an *amicus curiae* brief to argue that the FTCA should be interpreted to provide Hui and Gonsalves with immunity from constitutional torts.

United States Supreme Court brief