



# Zamora-Quezada v. Health Texas Medical Group of San Antonio

34 F.Supp.2d 433 (W.D. Tex. 1998)

Topics Covered: Termination of Employment, Americans with Disabilities Act and Employment

**Outcome: Favorable**

## **Issue**

The issue in this case was whether physicians had been wrongly terminated from their medical group because they recommended proper medical care for their disabled patients who were enrolled in capitated managed care plans.

## **AMA Interest**

The AMA supports the right and duty of physicians to adhere to medical ethical rules and practice standards even when otherwise improperly directed by employers or third party payors.

## **Case Summary**

Lozem Physicians contended that they had been discharged because they had recommended proper medical care for their disabled and chronically ill patients who were enrolled in capitated managed care plans. The lawsuit was designed to broaden the scope of remedies available to such physicians. Defendants included a medical clinic, a management services organization, and four health plans. The case was filed in a Texas State court and was removed to the federal district court in San Antonio.

The federal district court held that the plaintiffs had adduced sufficient evidence to defeat a motion by defendants for summary judgment on the primary issues in the case. This published opinion established the right of physicians, under appropriate circumstances, to sue for wrongful discharge under the Americans with Disabilities Act (ADA) and the Rehabilitation Act, if the discharge was motivated by the physicians' patient advocacy.

The court also entered summary judgment against Martin Guerrero, one of the physician plaintiffs, based on the release language in his employment severance agreement. He was found liable to HealthTexas for filing suit in violation of his agreement. Some of Dr. Guerrero's claims, however, survived. The defendants made numerous additional motions, but they were all defeated, at least in part.

Ultimately, after the jury began its deliberations, the case settled under confidential terms.

### **Litigation Center Involvement**

The Litigation Center, in conjunction with the Texas Medical Association (TMA), contributed financial support to the plaintiffs.