

**SUMMARIES OF RECENT SIGNIFICANT PHYSICIAN LITIGATION
AGAINST HOSPITALS INVOLVING CLINICAL PRIVILEGES, PEER REVIEW
AND FAIR HEARINGS**

(From a Presentation to the Orange County Medical Society on 3/21/2006)

1. Polinar v. Presbyterian Hospital, et al., Texas, private hospital. A Dallas cardiologist was awarded \$366 million against a hospital and staff members for violations of the doctor's due process rights in a peer review proceeding.
2. Ulrich v. Laguna Honda Hospital, et al., California, public (city/county) hospital. A physician was awarded a verdict of \$4.3 million against a hospital and staff members for violations of the doctor's due process rights in a peer review proceeding.
3. La Follette v. Marin General Hospital, California, private hospital. A judge ordered a hospital to void an adverse disciplinary peer review action taken against a physician by a hospital's medical staff.
4. Brasswell v. Haywood Regional Medical Center, North Carolina, county hospital. The court upheld many of the physician's (a general surgeon) causes of action on a motion to dismiss, ruling that he could bring suit based on allegations of retaliation for his speaking out about his concerns regarding care in the hospital (constitutional free speech) and his claims of discrimination pursuant to Section 1983 of the Civil Rights Act (enforcing his First Amendment and due process rights), among others.

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