

Peer review: The case for absolute immunity

Courts need to know that unqualified immunity is the only thing that makes the practice possible.

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There are few processes in medicine as central to patient safety and the profession's ability to police itself as peer review.

Yet one of the principles on which this most important process rests has been eroded over the past several months by two important state court decisions. Each case, with its limited jurisdictional reach, might seem minor. But other courts certainly could be influenced by them. Taken together, these cases pose a growing threat to immunity guaranteed to physicians who participate in peer review.

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Without the promise of immunity from civil lawsuits, physicians are likely to think twice about reporting colleagues who might be jeopardizing patient care.

That's why the AMA has joined the Connecticut State Medical Society in urging the Connecticut Supreme Court to overturn a decision made by a trial court, and upheld by the state's appellate court, that throws the absolute immunity protection for physicians in Connecticut into doubt.

The ruling, in *Chada v. Hungerford Hospital et al.*, allows a psychiatrist to proceed with his civil lawsuit against several physicians and a hospital. He alleges that they defamed his reputation when giving their opinions about his emotional health to the state Dept. of Health.

It comes around the same time as a California Supreme Court ruling that a California law amended in 1990 provides that a privilege protecting a physician or entity from a lawsuit is not absolute, but instead is a qualified immunity.