

\$32.50

# Hospital Litigation Reporter

## Reference Index

2006

**Strafford**

**Strafford Publications**

590 Dutch Valley Road, P. O. Box 13729, Atlanta, GA 30324-0729 • (800) 926-7926 • [www.straffordpub.com](http://www.straffordpub.com)

**Index Editor:** Zahna Ellis  
**Production Editor:** Christina Sacco  
**Executive Editor:** Jennifer F. Vaughan, Esq.  
**Publisher:** Richard M. Ossoff

This publication is designed to provide accurate and authoritative information with regard to the subject matter covered. It is distributed with the understanding that the Publisher and Editors are not engaged in rendering legal, accounting or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be obtained. (From a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers.)

**Strafford Publications, Inc.**

590 Dutch Valley Road, N.E. P.O. Box 13729  
Atlanta, Georgia 30324-0729  
(800) 926-7926, ext. 10  
E-mail: [custserv@straffordpub.com](mailto:custserv@straffordpub.com)  
Web Address: [www.straffordpub.com](http://www.straffordpub.com)

All rights reserved. Reproduction in whole or part by any means, electronic or mechanical, including photocopying and recording, or by an information storage and retrieval system, without prior written permission of the publisher, is prohibited.

ISSN: 1048-5201

Printed in the United States of America

© Copyright 2006

# How To Use This Index

This reference index contains every case reported in 2006 in *Hospital Litigation Reporter*. The index is organized into three sections:

## Section A - Cases Reported, by Parties

The parties in the style of each case are listed in alphabetical order by plaintiff.

## Section B - Cases Reported, by Jurisdiction

Each case is listed under the court jurisdiction in which the case was decided. First listed are the federal appellate courts, e.g., the U.S. Supreme Court and the circuit courts. Next listed are the states' appellate courts and the federal district courts.

For the A and B sections, the case name is followed by the page number on which the case begins.

## Section C - Subject Matter Index

This section is organized alphabetically by major headings, and within each major heading by sub-topics. Topics are followed by references to the relevant case(s). Cases are cited to the page number on which the case begins.

## Also From Strafford Publications' Legal Publications Group

### Health Law Week

Weekly digest of current court decisions, legislation and legal news covering the spectrum of healthcare law, includes Annual Reference Index. Published since 1992. \$1,697/one year; \$3,194/two years.

### Premises Liability Report

Monthly digest of important legal decisions on all aspects of premises liability, includes Annual Reference Index. Published since 1991. \$287/one year; \$474/two years.

### Insurance Law & Litigation Week

Weekly digest of current court decisions, legislation and legal news covering all facets of insurance law and litigation, which includes Annual Reference Index. Published since 2003. \$1,867/one year; \$3,534/two years.

### Class Action Law Monitor

Twice-monthly digest of court filings and decisions, settlements, legislation and other legal news regarding the full range of class action litigation, including Annual Reference Index. \$1,387/one year; \$2,574/two years.

### Securities Class Action Reporter

Twice-monthly digest of court filings and decisions, settlements, legislation and other legal news regarding securities class action litigation, including Annual Reference Index. \$1,867/one year; \$3,534/two years.

### Security Law Newsletter

Monthly digest of court decisions and news on private security and premises liability, includes Annual Reference Index. \$297/one year; \$494/two years

### Municipal Litigation Reporter

Monthly digest of important current judicial decisions, legislation and news on all aspects of local government law, including U.S. Supreme Court Bulletins and Annual Reference Index. Published since 1981. \$497/one year; \$894/two years.

### Digest of Environmental Law

Monthly digest of significant court decisions on the full range of environmental law issues, including U.S. Supreme Court Bulletins and Annual Reference Index. Published since 1987. \$647/one year; \$1,194/two years.

### National Financing Law Digest

Monthly digest of significant court decisions involving financing transactions, including U.S. Supreme Court Bulletins and Annual Reference Index. Published since 1988. \$687/one year; \$1,274/two years.

### National Property Law Digests

Monthly digest of nationally significant court decisions involving real property, including U.S. Supreme Court Bulletins and Annual Reference Index. Published since 1975. \$787/one year; \$1,474/two years.

# Section A

---

Cases Reported,  
by Party



Adams v. Rapid City Reg'l Hosp. Inc. 166  
 Adkins v. Hosp. Auth. of Houston, The 107  
 Adventist Health Sys./Sunbelt Inc. v. Blue Cross & Blue Shield 135  
 Aiosa v. Mercy Med. Ctr. 154  
 Alcoy v. Valley Nursing Home 119  
 Alexander v. Amelia Manor Nursing Home 59  
 Amaya v. Bay Area Healthcare Grp. Ltd. 137  
 Anderson v. Perales 123  
 Anzalone v. Long Island Care Ctr. Inc. 59  
 Appalachian Reg'l Healthcare Inc. v. Kentucky Nurses Ass'n 180  
 Atteberry v. Nacona Gen. Hosp. 8  
 Avakian v. Tenet Health Sys. 77  
 Ayotte v. Planned Parenthood of N. New England 35  
 Bagent v. Blessing Care Corp. 76  
 Bakare v. Pinnacle Health Hosps. Inc. 168  
 Baker v. St. Francis Hosp. 28  
 Baptist Hosp. of S.E. Tex., In re 167  
 Baqir v. Principi 38  
 Baratti v. Elmbrook Mem'l Hosp. Inc. 2  
 Barbourville Nursing Home v. U.S. Dep't of Health & Human Servs. 89  
 Barksdale, Estate of v. Duke Univ. Med. Ctr. 30  
 Battle Creek Health Sys. v. Thompson 75  
 Bauman v. Mt. Sinai Hosp. 187  
 Baylor Health Care Sys. v. Nat'l Elevator Indus. Health Benefit Plan 178  
 Beck-Wilson v. Principi 71  
 Bedford Care Ctr. v. Lewis 36  
 Belsar v. United States 18  
 Benefis Healthcare v. Great Falls Clinic L.L.P. 184  
 Bland v. Health Care & Retirement Corp. of Am. 98  
 Bloom v. Metro Heart Grp. of St. Louis Inc. 71  
 Bolivar Leflore Med. Alliance L.L.P. v. Williams 189  
 Brabant v. St. John River Dist. Hosp. 26  
 Bradshaw v. West Shore Med. Ctr. 87  
 Braverman v. Garden City Hosp. 157  
 Brewer, In re Medical Review Panel for Claim of 107  
 Broadie v. St. Francis Hosp. 43  
 Brodowski v. Ryave 6  
 Brooks v. Lubbock Cty. Hosp. 83  
 Brown v. Carillion Health Sys. 100  
 Brown v. McLeod Reg'l Med. Ctr. of Pee Dee Inc. 163  
 Brown v. Singh 5  
 Bullock v. Rapides Found. 187  
 Burk v. RHA/Sullivan Inc. 189  
 Bustos v. Lenox Hill Hosp. 99  
 C.W. v. Cooper Health Sys. 146  
 California v. United States 115  
 Camacho v. Meridian Neurocare 109  
 Campbell v. Ohio State Univ. Med. Ctr. 76  
 Cangemi v. Advocate S. Suburban Hosp. 68  
 Carr v. Brezel 71  
 Carrano v. Yale-New Haven Hosp. 170  
 Catipay v. Humility of Mary Health Ptrs. 87  
 Cedars-Sinai Med. Ctr. v. Shewry 69  
 Cerny v. Williams 171  
 Chapala v. Interfaith Med. Ctr. 182  
 Chestnut Hill Hosp. v. Thompson 156  
 Clarian Health Ptrs. v. Evans 124  
 Clarke v. Oregon Health Sciences Univ. 132  
 Cleveland v. United States 135  
 Cogburn Health Ctr. Inc. v. Nat'l Labor Relations Bd. 57  
 Cohen v. KidsPeace Nat'l Ctrs. Inc. 105  
 Columbia Med. Ctr. Subsidiary L.P. v. Meier 136

Columbia/JFK Med. Ctr. Ltd. Ptrship. v. Sanguonchitte 44  
 Comm'ty Hosp. Grp. Inc. v. Blume Goldfaden Berkowitz Donnelly Fried & Forte P.C. 77  
 Comm'ty Mem'l Hosp. v. Mattar 23  
 Compton v. Pass 169  
 Conner v. Salina Reg'l Health Ctr. Inc. 101  
 Cox v. Athens Reg'l Med. Ctr. Inc. 124  
 Craven Reg'l Med. Auth. v. North Carolina Dep't of Health & Human Servs. 53  
 Czarny v. Porter 104  
 Daily v. Kaiser Found. Hosp. 7  
 Daniel v. Dallas Cty. Hosp. Dist. 39  
 David v. McLeod Reg'l Med. Ctr. 40  
 Davis v. Phoebe Putney Health Sys. Inc. 140  
 De La Vergne v. Methodist Healthcare Sys. of San Antonio L.L.P. 24  
 Delgado v. Epstein 43  
 DeVault v. St. Charles Mercy Hosp. 92  
 DiCarlo v. St. Mary's Hosp. 139  
 Dickinson v. Springhill Hosp. 7  
 Dillard v. United States 82  
 Disability Law Ctr. v. Millcreek Health Ctr. 12  
 Ditingo v. Dreyfuss 75  
 Douglas Med. Ctr. v. Mercy Med. Ctr. 21  
 Dube v. St. John Hosp. & Med. Ctr. 108  
 Dunn v. Washington Cty. Hosp. 6  
 Dutton v. University Health Care Sys. L.L.C. 2  
 Easterling v. Univ. of Miss. Med. Ctr. 179  
 Eden v. Desert Reg'l Med. Ctr. 45  
 Elghazi v. Ponoma Valley Hosp. Med. Ctr. 53  
 Elkins, In re 4  
 Emerson v. Macy 152  
 Enloe Med. Ctr. v. Nat'l Labor Relations Bd. 26  
 Essex Ins. Co. v. Greenville Convalescent Home Inc. 151  
 Estate of Finley ex. rel. Jordan v. Beverly Health & Rehab. Servs. Inc. 141  
 Eusterman v. Northwest Permanente 38  
 Everson v. Medlantic Healthcare Grp. 55  
 Everwine v. Nemours Found. 73  
 Farrell v. A.I. DuPont Hosp. for Children of the Nemours Found. 141  
 Fleming v. Deaconess Hosp. 182  
 Fligiell v. Samson 54  
 Florida Hosp. Waterman Inc. v. Buster 73  
 Florida, State of v. Presidential Women's Ctr. 84  
 Flowers v. HCA Health Servs. of Tenn. Inc. 74  
 Ford v. Cascade Health Servs. 140  
 Fortune v. Castle Nursing Homes Inc. 3  
 Foster v. Kootenai Med. Ctr. 185  
 Frazier v. Detroit Med. Ctr. 28  
 Freed v. Geisinger Med. Ctr. 183  
 Freeman v. Univ. of Miss. Med. Ctr. 93  
 Fricke v. Ochsner Found. Hosp. 88  
 Galland v. Meridia Health Sys. Inc. 164  
 Garaffa v. JFK Med. Estate of vCtr. 134  
 Giles v. Brown Cty. 24  
 Githens v. Bon Secours-Maria Manor Nursing Care Ctr. Inc. 123  
 Gonzales v. Carhart 51  
 Gonzales v. Oregon 19  
 Gonzales v. Planned Parenthood Fed'n of Am. Inc. 115  
 Good Hope Health Sys. L.L.C. v. North Carolina Dep't of Human & Health Servs. 21  
 Gorcey, Estate of v. Jersey Shore Med. Ctr. 55  
 Gordon v. Lewistown Hosp. 83

Grand Jury Proceedings, In re 187  
 Green v. Providence Med. Ctr. 164  
 Green v. South Shore Hosp. Inc. 34  
 Grigsby v. Univ. of Tenn. Med. Ctr. 61  
 Guilbeau v. Bayou Chateau Nursing Ctr. 109  
 Halbleib v. McComb 170  
 Hall v. Dartmouth Hitchcock Med. Ctr. 93  
 Hallman v. Holy Cross Hosp. of Detroit 154  
 Hamilton v. Ashton 103  
 Harding v. Dep't of Veterans Affairs 118  
 Harlow v. Children's Hosp. 26  
 Harper v. Denver Health & Hosp. Auth. 103  
 Harris Methodist Ft. Worth v. Sales Support Servs. Inc. Emp. Health Care Plan 169  
 Harrison v. Christus St. Patrick Hosp. 106  
 HCRA of Tex. v. Johnston 12  
 Health Facils. Mgmt. Corp. v. Hughes 58  
 Health Grades Inc. v. Decatur Mem'l Hosp. 121  
 Healthcare Employees Union, Local 399 v. Nat'l Labor Relations Bd. 72  
 Healthcare Employees Union, Local 399 v. St. Vincent Med. Ctr. 72  
 Hein v. Community Med. Ctr. 157  
 Henderson v. Alameda Cty. Med. Ctr. 11  
 Henderson v. George Washington Univ. 118  
 Henderson v. Homer Mem'l Hosp. 46  
 Henderson v. Medical Center Enterprise 148  
 Henry v. Pemiscot Mem'l Health Sys. 181  
 Hensarling v. Covenant Health Sys. 55  
 Heritage Housing Development Inc. v. Carr 137  
 Higgins v. Providence Hosp. & Med. Ctr. 44  
 Hoffman v. Tonnemacher 70  
 Hollingshead v. Province Healthcare Co. 131  
 Holt v. Grand Lake Mental Health Ctr. 86  
 Howard v. Willis-Knighton Med. Ctr. 60  
 Huard v. Tenet Healthsystems Mem'l Med. Ctr. 114  
 Huffaker v. St. Mary's Health Sys. Inc. 173  
 Imaging Ctr. Inc. v. Western Md. Health Sys. Inc. 20  
 Intelmann v. DeLuca 93  
 Interim Health Care Middlesex-Somerset Inc. v. Highlands, The 85  
 Iowa Protection & Advocacy Servs. v. United States 11  
 Jackson v. Nicholson 30  
 Jackson v. Tulane Med. Ctr. Hosp. & Clinic 185  
 Jarrett v. Novello 74  
 JFK Med. Ctr. v. Blume Goldfaden Berkowitz 8  
 Jones v. Staten Island Univ. Hosp. 182  
 Jones v. Tallahassee Mem'l Reg'l Healthcare Inc. 67  
 Kaiser Found. Hosp. v. Leavitt 186  
 Kaminsky v. St. Louis Univ. Sch. of Med. 156  
 Kaniuka v. Good Shepherd Home 149  
 Karimi v. Trenton Psychiatric Hosp. 106  
 Kennedy v. Butler Mem'l Hosp. 136  
 Kent Cty. Mem'l Hosp. v. Rhode Island Dep't of Health 36  
 Kibler v. Northern Inyo Cty. Local Hosp. Dist. 139  
 Kindernay v. Hillsboro Area Hosp. 122  
 King v. Mitchell 130  
 Kinnard v. United Reg'l Health Care Sys. 106  
 Kizzire v. Baptist Health Sys. 69  
 Kocak v. Comm'ty Health Ptrs. of Ohio Inc. 2  
 Kochert v. Greater Lafayette Health Servs. Inc. 164  
 Konvalinka v. Chattanooga-Hamilton Cty. Hosp. Auth. 173  
 Kottmyer v. Maas 37  
 Kropiewnicki v. New York, City of 108  
 Lamoreux v. Oreck 116  
 Lanman v. Kalamazoo Psychiatric Hosp. 27

Larson v. Wasemiller 139  
 Latimer v. Havenwyck Hosp. Inc. 59  
 Lawson v. United States 185  
 Leavitt v. Baystate Health Sys. 67  
 Ledbetter v. Hunter 60  
 Lee v. St. Barnabas Med. Ctr. 125  
 Leha v. Yonkers Gen. Hosp. 10  
 Leonichev v. Valley Presbyterian Hosp. 66  
 Levine v. Spartanburg Reg'l Healthcare Sys. 29  
 Living Ctrs. of Tex. Inc. v. Penalver 190  
 Lopez v. White Mem'l Med. Ctr. 36  
 Louisiana Health Serv. & Indem. Co. v. Rapides Healthcare Sys. 151  
 Luettker v. St. Vincent Mercy Med. Ctr. 133  
 Lynch v. Baylor Univ. Med. Ctr. 166  
 Madison Ctr. Inc. v. R.R.K. 172  
 Mahler v. Johns Hopkins Hosp. Inc. 150  
 Mahmud v. Kaufmann 188  
 Malaspina v. Victory Mem'l Hosp. 99  
 Manke v. Physicians Ins. Co. 43  
 Marasovic v. Eberhard 57  
 Maria v. Judson Ctr. Inc. 131  
 Marks v. Rehabilitation Instit. Inc. 92  
 Massachusetts Gen. Hosp. v. Div. of Med. Assistance 121  
 Mattaldi v. Beth Israel Med. Ctr. 108  
 Mazumder v. Univ. of Mich. Regents 61  
 McCloud v. Geary Comm'ty Hosp., Bd. of Directors of 150  
 McGarry v. Eaker 55  
 McLeay v. Bergan Health Sys. Corp. 178  
 McLeay v. Bergan Mercy Health Sys. Corp. 107  
 MedStar Health v. Maryland Health Care Comm'n 68  
 Mem'l Hosp.-W. Volusia Inc. v. News-Journal Corp. 77  
 Mercy Hosp. Inc. v. Massachusetts Nurses Ass'n 3, 83  
 Miami Valley Hosp. v. Comm'ty Ins. Co. 151  
 Miller v. Forsyth Mem'l Hosp. 5  
 Miller v. Levering Reg'l Health Care Ctr. L.L.C. 137  
 Miller v. SSM Health Care Corp. 119  
 Mischia v. St. John's Mercy Health Sys. 149  
 Montejo v. Martin Mem'l Med. Ctr. Inc. 168  
 Montgomery Cty. Hosp. Dist. v. Smith 25  
 Moores v. Madvig 125  
 Morgan v. N. Miss. Med. Ctr. 22  
 Morgan v. New York, City of 172  
 Morrison v. Loma Linda Univ. Med. Ctr. 185  
 Morristown Mem'l Hosp. v. Pelletier 124  
 Moutrail Bethel Home v. Lovdahl 154  
 Mueller v. Auker 88  
 Mueller v. Columbus Comm'ty Hosp. Inc. 125  
 N.P. v. Methodist Hosp. 23  
 Naples Comm'ty Hosp. Inc. v. Hussey 13  
 Nat'l Labor Relations Bd. v. ProMedica Health Sys. Inc. 184  
 Nazareth Home of the Franciscan Sisters v. Novello 186  
 Neblett v. Henry Ford Health Sys. 42  
 Neff v. Johnson Mem'l Hosp. 39  
 Neuhaus v. DeCholnoky 188  
 Northeast Med. Ctr. v. Crooks 101  
 Northern Montana Care Ctr. v. Leavitt 171  
 Northern Utah Healthcare Corp. v. BC Life & Health Ins. Co. 170  
 Northlake Med. Ctr. v. Queen 134  
 Nyack Hosp. v. Gen. Motors Acceptance Corp. 25  
 Oak Park Inc. v. Harrison 172  
 Ochletree v. Trumbull Mem'l Hosp. 78  
 Ornstein v. New York Health & Hosps. Corp. 20  
 Osborne v. Howard Univ. Physicians Inc. 133

Ostopoulos v. Glimp 58  
 Otero v. Vito 90, 105  
 Paul v. Theda Med. Ctr. Inc. 181  
 Peek v. Spartanburg Reg'l Healthcare Sys. 29  
 Peppmeier v. Murphy 26  
 Picayune Clinic L.L.C. v. Dar 102  
 Picayune, City of v. Southern Reg'l Corp. 29  
 Pisani v. Staten Island Univ. Hosp. 117  
 Pitluck v. Beverly Enters. Inc. 9  
 Planned Parenthood Minn., N.D., S.D. v. Rounds 179  
 Pochron v. Monongalia Gen. Hosp. 66  
 Poliner v. Texas Health Sys. 75, 165  
 Pope v. Winter Park Healthcare Grp. Ltd. 180  
 Potter v. Yorba Park Med. Grp. Inc. 122  
 Pourzia v. St. Mary Med. Ctr. 155  
 Presbyterian Hosp. v. North Carolina Dep't of Health & Human Servs. 116  
 Putter v. North Shore Univ. Hosp. 29  
 Quiroz v. Seventh Ave. Ctr. 126  
 Ragan v. Manor Care Health Servs. Inc. 24  
 Reames v. Oklahoma, State of 52  
 Regency Hosp. Co. of S. Atlanta v. United Healthcare Ins. Co. 88  
 Reihard v. Trumbull Cardiovascular Care Inc. 158  
 Reproductive Health Servs. of Planned Parenthood of St. Louis Region Inc. v. Nixon 53  
 Rhoads v. A.I. Dupont Hosp. for Children of the Nemours Found. 100  
 Rios v. Simmons 138  
 Roberts v. Titus Cty. Mem'l Hosp. 35  
 Rodsuwan v. Christus Health Northern La. 100  
 Romano v. New York Presbyterian Hosp. 89  
 Rouse v. Theda Clark Med. Ctr. 150  
 Sacco v. Sec'y of Veteran's Affairs 165  
 Salvant v. Louisiana, State of 135  
 Sanderson v. HCA-The Health Co. 163  
 Satilla Health Servs. Inc. v. Pilcher 117  
 Scheidler v. Nat'l Org. for Women Inc. 51  
 Schliep v. Providence Yakima Med. Ctr. 30  
 Schriber v. Anonymous 94  
 Schutz v. Ingham Reg'l Med. Ctr. 123  
 Searle v. Cayuga Med. Ctr. at Ithaca 84  
 Seaton v. Freeman Health Sys. 92  
 Shah v. Porter Mem'l Hosp. 82  
 Shelton v. Schneider 4, 148  
 Sherwood v. Danbury Hosp. 102  
 Sheth v. Wunderlich 45  
 Sikorski v. Johnson 174  
 Singing River Hosp. Sys. v. Biloxi Reg'l Med. Ctr. 68  
 Sinha v. Univ. of Cal., Regents of 54  
 Sloane v. NRI Inc. 66  
 Smith v. Bennett Inc. 11  
 Smith v. Botsford Gen. Hosp. 82  
 Smith v. Gilmore Mem'l Hosp. 105  
 Smith v. Tenet Healthsystem SL Inc. 42  
 Snell ex rel. Mendez v. Burt 18  
 Southwestern Va. Mental Health Institute v. Wright 189  
 Spell, Estate of v. Ghanem 27  
 Spina v. Jack D. Weiler Hosp. of Albert Einstein College of Med. 90  
 St. Clair Med. v. Borgiel 37  
 St. John's Mercy Health Sys. v. Nat'l Labor Relations Bd. 41  
 St. Joseph's Hosp., In re 4  
 St. Joseph's Hosp. v. Leavitt 74  
 St. Margaret's Ctr. v. Novello 10

State ex rel. Univ. of Mo. v. Moorhouse 44  
 State ex rel. Ven-A-Care of the Florida Keys Inc. v. Abbott Labs. Inc. 114  
 Steele v. Kootenai Med. Ctr. 91  
 Stokes v. Spartanburg Reg'l Med. Ctr. 39  
 Sturgis Bank & Trust Co. v. Hillsdale Comm'ty Health Ctr. 7  
 Tallahassee Mem'l Reg'l Med. Ctr. v. Petersen 41  
 Tapia v. New York City Health & Hosps. Corp. 78  
 Taylor v. Allegheny Gen. Hosp. 7  
 Taylor v. Jackson-Madison Cty. Gen. Hosp. Dist. 167  
 Team Nursing Servs. Inc. v. Evangelical Lutheran Good Samaritan Soc'y 22  
 Tenet Health Sys. Hosp. Inc. v. Abravesh 180  
 Tenet Healthcare Ltd., In re 92  
 Texas Tech Med. Ctr. v. Garcia 57  
 Thornburg v. El Centro Reg'l Med. Ctr. 173  
 Tillman-Fields v. Khalid 153  
 Titus Reg'l Med. Ctr. v. Tretta 9  
 Treatster v. Healthsouth Corp. 119  
 TriHealth Inc. v. Hamilton Cty. Bd. of Comm'rs 21  
 Tucker v. Ann Klein Forensic Ctr. 90  
 Tucker, In re 155  
 Turabo Med. Ctr. v. Rivera 51  
 Tyler v. Huron Valley Sinai Hosp. 70  
 Tyler Medical Clinic v. Gess & Assocs. 138  
 United States v. Bradford Reg'l Med. Ctr. 168  
 United States v. Ohio Valley Gen. Hosp. 34  
 United States v. St. Luke's Subacute Care Hosp. Inc. 104  
 United States v. Tenet Healthcare Corp. 114  
 United States ex rel. Bartlett v. Tyrone Hosp. Inc. 40  
 United States ex rel. Gear v. Emergency Med. Assocs. of Ill. Inc. 56  
 United States ex rel. Hefner v. Hackensack Univ. Med. Ctr. 27  
 United States ex rel. Joshi v. St. Luke's Hosp. Inc. 56, 163  
 United States ex rel. Pervez v. Beth Israel Med. Ctr. 2  
 Univ. of Tex. Health Ctr. at Tyler, In re 132  
 Univ. of Tex. S.W. Med. Ctr. v. Dale 87  
 Valkenburg v. J.S. 153  
 Valley Hosp. Ass'n Inc. v. Brauneis 155  
 Valley Med. Facilities Inc. v. Pennsylvania Property & Cas. Ins. Guaranty Ass'n 120  
 Vandalia Park v. Leavitt 28  
 Varela v. St. Elizabeth's Hosp. of Chicago Inc. 147  
 Vaughan v. St. Francis Hosp. 103  
 Vogelsberger v. Magee-Women's Hosp. of UPMC Health Sys. 120  
 Wahi v. Charleston Area Med. Ctr. 183  
 Walker v. Firelands Comm'ty Hosp. 117  
 Wang v. Comm'ty Health Sys. Inc. 130  
 Wax v. Tenet Health Sys. Hosps. Inc. 101  
 Weeks v. Byrd Med. Clinic Inc. 91  
 Whitaker v. Lee Mem'l Health Sys. 85  
 Wilcox v. Gamble Guest Care Corp. 91  
 Williams, In re 136  
 Winter v. Miami Beach Healthcare Grp. Ltd. 23  
 Wojewski v. Rapid City Reg'l Hosp. Inc. 118  
 Women's Med. Prof'l Corp. v. Baird 52  
 Woods v. Goord 85  
 Wroy v. N. Miami Med. Ctr. Ltd. 121  
 York v. Rush-Presbyterian-St. Luke's Med. Ctr. 116  
 Young v. Univ. of Miss. Med. Ctr. 13  
 Zacharowicz v. Nassau Health Care Corp. 85  
 Zielinski v. Kotsoris 152  
 Zuurbier v. MedStar Health Inc. 86

# Section B

---

Cases Reported,  
by Jurisdiction



## U.S. SUPREME COURT

Ayotte v. Planned Parenthood of N. New England 35  
Brooks v. Lubbock Cty. Hosp. 83  
Brown v. McLeod Reg'l Med. Ctr. of Pee Dee Inc. 163  
Dutton v. University Health Care Sys. L.L.C. 2  
Easterling v. Univ. of Miss. Med. Ctr. 179  
Gonzales v. Carhart 51  
Gonzales v. Oregon 19  
Gonzales v. Planned Parenthood Fed'n of Am. Inc. 115  
Gordon v. Lewistown Hosp. 83  
Green v. Providence Med. Ctr. 164  
Kocak v. Comm'ty Health Ptrs. of Ohio Inc. 2  
Leavitt v. Baystate Health Sys. 67  
Leonichev v. Valley Presbyterian Hosp. 66  
McLeay v. Bergan Health Sys. Corp. 178  
Mercy Hosp. Inc. v. Massachusetts Nurses Ass'n 83  
Reames v. Oklahoma, State of 52  
Roberts v. Titus Cty. Mem'l Hosp. 35  
Sanderson v. HCA-The Health Co. 163  
Scheidler v. Nat'l Org. for Women Inc. 51  
Smith v. Botsford Gen. Hosp. 82  
Turabo Med. Ctr. v. Rivera 51  
United States ex rel. Joshi v. St. Luke's Hosp. Inc. 163

## FIRST CIRCUIT

Harlow v. Children's Hosp. 26  
Mercy Hosp. Inc. v. Massachusetts Nurses Ass'n 3

## SECOND CIRCUIT

Zacharowicz v. Nassau Health Care Corp. 85

## THIRD CIRCUIT

Tucker v. Ann Klein Forensic Ctr. 90

## FOURTH CIRCUIT

Baqir v. Principi 38  
Imaging Ctr. Inc. v. Western Md. Health Sys. Inc. 20

## FIFTH CIRCUIT

Atteberry v. Nacona Gen. Hosp. 8  
Cleveland v. United States 135  
Louisiana Health Serv. & Indem. Co. v. Rapides Healthcare Sys. 151

## SIXTH CIRCUIT

Barbourville Nursing Home v. U.S. Dep't of Health & Human Servs. 89  
Beck-Wilson v. Principi 71  
Fligiel v. Samson 54  
Kottmyer v. Maas 37  
Nat'l Labor Relations Bd. v. ProMedica Health Sys. Inc. 184  
TriHealth Inc. v. Hamilton Cty. Bd. of Comm'rs 21  
Vandalia Park v. Leavitt 28  
Women's Med. Prof'l Corp. v. Baird 52

## SEVENTH CIRCUIT

Dunn v. Washington Cty. Hosp. 6  
Kochert v. Greater Lafayette Health Servs. Inc. 164  
Paul v. Theda Med. Ctr. Inc. 181  
United States ex rel. Gear v. Emergency Med. Assocs. of Ill. Inc. 56

## EIGHTH CIRCUIT

Bloom v. Metro Heart Grp. of St. Louis Inc. 71  
Iowa Protection & Advocacy Servs. v. United States 11  
Misischia v. St. John's Mercy Health Sys. 149  
Smith v. Tenet Healthsystem SL Inc. 42  
St. John's Mercy Health Sys. v. Nat'l Labor Relations Bd. 41

Team Nursing Servs. Inc. v. Evangelical Lutheran Good Samaritan Soc'y 22  
United States ex rel. Joshi v. St. Luke's Hosp. Inc. 56  
Wojewski v. Rapid City Reg'l Hosp. Inc. 118

## NINTH CIRCUIT

California v. United States 115  
Healthcare Employees Union, Local 399 v. Nat'l Labor Relations Bd. 72  
Healthcare Employees Union, Local 399 v. St. Vincent Med. Ctr. 72  
United States v. St. Luke's Subacute Care Hosp. Inc. 104  
Disability Law Ctr. v. Millcreek Health Ctr. 12  
Health Grades Inc. v. Decatur Mem'l Hosp. 121  
Holt v. Grand Lake Mental Health Ctr. 86

## ELEVENTH CIRCUIT

Kizzire v. Baptist Health Sys. 69  
Whitaker v. Lee Mem'l Health Sys. 85

## D.C. CIRCUIT

Cogburn Health Ctr. Inc. v. Nat'l Labor Relations Bd. 57  
Enloe Med. Ctr. v. Nat'l Labor Relations Bd. 26  
Henderson v. George Washington Univ. 118

## FEDERAL CIRCUIT

Harding v. Dep't of Veterans Affairs 118  
Jackson v. Nicholson 30

## ALABAMA

### U.S.D.C.—MIDDLE DISTRICT

Henderson v. Medical Center Enterprise 148

### U.S.D.C.—SOUTHERN DISTRICT

Dickinson v. Springhill Hosp. 7  
Morgan v. N. Miss. Med. Ctr. 22

## ALASKA

Valley Hosp. Ass'n Inc. v. Brauneis 155

## ARKANSAS

Health Facils. Mgmt. Corp. v. Hughes 58

## CALIFORNIA

Avakian v. Tenet Health Sys. 77  
Camacho v. Meridian Neurocare 109  
Cedars-Sinai Med. Ctr. v. Shewry 69  
Daily v. Kaiser Found. Hosp. 7  
Eden v. Desert Reg'l Med. Ctr. 45  
Elghazi v. Ponom Valley Hosp. Med. Ctr. 53  
Halbleib v. McComb 170  
Henderson v. Alameda Cty. Med. Ctr. 11  
Kibler v. Northern Inyo Cty. Local Hosp. Dist. 139  
Lopez v. White Mem'l Med. Ctr. 36  
Marasovic v. Eberhard 57  
McGarry v. Eaker 55  
Moores v. Madvig 125  
Morrison v. Loma Linda Univ. Med. Ctr. 185  
Ostosides v. Glimp 58  
Pitluck v. Beverly Enters. Inc. 9  
Potter v. Yorba Park Med. Grp. Inc. 122  
Pourzia v. St. Mary Med. Ctr. 155  
Quiroz v. Seventh Ave. Ctr. 126  
Rios v. Simmons 138  
Sinha v. Univ. of Cal., Regents of 54  
Smith v. Bennett Inc. 11  
Tenet Health Sys. Hosp. Inc. v. Abravesh 180  
Thornburg v. El Centro Reg'l Med. Ctr. 173  
Tillman-Fields v. Khalid 153

Tyler Medical Clinic v. Gess & Assocs. 138  
U.S.D.C.—CENTRAL DISTRICT  
United States v. Tenet Healthcare Corp. 114  
U.S.D.C.—EASTERN DISTRICT  
Hoffman v. Tonnemacher 70  
U.S.D.C.—NORTHERN DISTRICT  
Kaiser Found. Hosp. v. Leavitt 186  
U.S.D.C.—SOUTHERN DISTRICT  
Wang v. Comm'ty Health Sys. Inc. 130

**COLORADO**  
Harper v. Denver Health & Hosp. Auth. 103  
U.S.D.C.  
Hollingshead v. Province Healthcare Co. 131

**CONNECTICUT**  
Carrano v. Yale-New Haven Hosp. 170  
Neff v. Johnson Mem'l Hosp. 39  
Neuhaus v. DeCholnoky 188  
Sherwood v. Danbury Hosp. 102  
Zielinski v. Kotsoris 152

**DISTRICT OF COLUMBIA**  
Zuurbier v. MedStar Health Inc. 86  
U.S.D.C.  
Chestnut Hill Hosp. v. Thompson 156  
Everson v. Medlantic Healthcare Grp. 55  
Osborne v. Howard Univ. Physicians Inc. 133  
St. Joseph's Hosp. v. Leavitt 74

**FLORIDA**  
Adventist Health Sys./Sunbelt Inc. v. Blue Cross & Blue Shield 135  
Bland v. Health Care & Retirement Corp. of Am. 98  
Columbia/JFK Med. Ctr. Ltd. Ptrship. v. Sanguonchitte 44  
Florida Hosp. Waterman Inc. v. Buster 73  
Florida, State of v. Presidential Women's Ctr. 84  
Githens v. Bon Secours-Maria Manor Nursing Care Ctr. Inc. 123  
Jones v. Tallahassee Mem'l Reg'l Healthcare Inc. 67  
Mem'l Hosp.-W. Volusia Inc. v. News-Journal Corp. 77  
Montejo v. Martin Mem'l Med. Ctr. Inc. 168  
Naples Comm'ty Hosp. Inc. v. Hussey 13  
Pope v. Winter Park Healthcare Grp. Ltd. 180  
Tallahassee Mem'l Reg'l Med. Ctr. v. Petersen 41  
Wax v. Tenet Health Sys. Hosps. Inc. 101  
Winter v. Miami Beach Healthcare Grp. Ltd. 23  
Wroy v. N. Miami Med. Ctr. Ltd. 121

**GEORGIA**  
Cox v. Athens Reg'l Med. Ctr. Inc. 124  
Davis v. Phoebe Putney Health Sys. Inc. 140  
Northlake Med. Ctr. v. Queen 134  
Satilla Health Servs. Inc. v. Pilcher 117  
U.S.D.C.—MIDDLE DISTRICT  
Adkins v. Hosp. Auth. of Houston, The 107  
Otero v. Vito 90, 105  
U.S.D.C.—NORTHERN DISTRICT  
Regency Hosp. Co. of S. Atlanta v. United Healthcare Ins. Co. 88

**IDAHO**  
Foster v. Kootenai Med. Ctr. 185  
Steele v. Kootenai Med. Ctr. 91  
U.S.D.C.  
Mueller v. Auker 88

**ILLINOIS**  
Bagent v. Blessing Care Corp. 76  
Cangemi v. Advocate S. Suburban Hosp. 68  
Green v. South Shore Hosp. Inc. 34  
Kindernay v. Hillsboro Area Hosp. 122  
Sheth v. Wunderlich 45  
Varela v. St. Elizabeth's Hosp. of Chicago Inc. 147  
York v. Rush-Presbyterian-St. Luke's Med. Ctr. 116  
U.S.D.C.—NORTHERN DISTRICT  
Brown v. Singh 5  
Shelton v. Schneider 4, 148

**INDIANA**  
Clarian Health Ptrs. v. Evans 124  
Giles v. Brown Cty. 24  
Hamilton v. Ashton 103  
Latimer v. Havenwyck Hosp. Inc. 59  
Ledbetter v. Hunter 60  
Madison Ctr. Inc. v. R.R.K. 172  
Schriber v. Anonymous 94  
U.S.D.C.—NORTHERN DISTRICT  
Shah v. Porter Mem'l Hosp. 82

**IOWA**  
Peppmeier v. Murphy 26

**KANSAS**  
Emerson v. Macy 152  
U.S.D.C.  
Conner v. Salina Reg'l Health Ctr. Inc. 101  
McCloud v. Geary Comm'ty Hosp., Bd. of Directors of 150  
Treatster v. Healthsouth Corp. 119

**KENTUCKY**  
U.S.D.C.—EASTERN DISTRICT  
Appalachian Reg'l Healthcare Inc. v. Kentucky Nurses Ass'n 180

**LOUISIANA**  
Alexander v. Amelia Manor Nursing Home 59  
Brewer, In re Medical Review Panel for Claim of 107  
Bullock v. Rapides Found. 187  
Fricke v. Ochsner Found. Hosp. 88  
Guilbeau v. Bayou Chateau Nursing Ctr. 109  
Henderson v. Homer Mem'l Hosp. 46  
Howard v. Willis-Knighton Med. Ctr. 60  
Jackson v. Tulane Med. Ctr. Hosp. & Clinic 185  
Rodsuan v. Christus Health Northern La. 100  
Salvant v. Louisiana, State of 135  
Weeks v. Byrd Med. Clinic Inc. 91  
Wilcox v. Gamble Guest Care Corp. 91  
U.S.D.C.—EASTERN DISTRICT  
Huard v. Tenet Healthsystems Mem'l Med. Ctr. 114  
U.S.D.C.—WESTERN DISTRICT  
Harrison v. Christus St. Patrick Hosp. 106

**MAINE**  
U.S.D.C.  
Grand Jury Proceedings, In re 187

**MARYLAND**  
Mahler v. Johns Hopkins Hosp. Inc. 150  
MedStar Health v. Maryland Health Care Comm'n 68  
U.S.D.C.  
Lawson v. United States 185

**MASSACHUSETTS**  
Massachusetts Gen. Hosp. v. Div. of Med. Assistance 121

MICHIGAN

- Brabant v. St. John River Dist. Hosp. 26
- Bradshaw v. West Shore Med. Ctr. 87
- Braverman v. Garden City Hosp. 157
- Compton v. Pass 169
- Dube v. St. John Hosp. & Med. Ctr. 108
- Frazier v. Detroit Med. Ctr. 28
- Hallman v. Holy Cross Hosp. of Detroit 154
- Higgins v. Providence Hosp. & Med. Ctr. 44
- Lanman v. Kalamazoo Psychiatric Hosp. 27
- Maria v. Judson Ctr. Inc. 131
- Marks v. Rehabilitation Instit. Inc. 92
- Mazumder v. Univ. of Mich. Regents 61
- Neblett v. Henry Ford Health Sys. 42
- Schutz v. Ingham Reg'l Med. Ctr. 123
- St. Clair Med. v. Borgiel 37
- Sturgis Bank & Trust Co. v. Hillsdale Comm'ty Health Ctr. 7
- Tyler v. Huron Valley Sinai Hosp. 70

U.S.D.C.—EASTERN DISTRICT

- Belsar v. United States 18

U.S.D.C.—WESTERN DISTRICT

- Battle Creek Health Sys. v. Thompson 75

MINNESOTA

- Larson v. Wasemiller 139

MISSISSIPPI

- Bedford Care Ctr. v. Lewis 36
- Bolivar Leflore Med. Alliance L.L.P. v. Williams 189
- Estate of Finley ex. rel. Jordan v. Beverly Health & Rehab. Servs. Inc. 141
- Freeman v. Univ. of Miss. Med. Ctr. 93
- Picayune, City of v. Southern Reg'l Corp. 29
- Singing River Hosp. Sys. v. Biloxi Reg'l Med. Ctr. 68
- Smith v. Gilmore Mem'l Hosp. 105
- Young v. Univ. of Miss. Med. Ctr. 13

U.S.D.C.—NORTHERN DISTRICT

- Essex Ins. Co. v. Greenville Convalescent Home Inc. 151

U.S.D.C.—SOUTHERN DISTRICT

- Picayune Clinic L.L.C. v. Dar 102

MISSOURI

- Miller v. Levering Reg'l Health Care Ctr. L.L.C. 137
- Miller v. SSM Health Care Corp. 119
- Reproductive Health Servs. of Planned Parenthood of St. Louis Region Inc. v. Nixon 53
- State ex rel. Univ. of Mo. v. Moorhouse 44

U.S.D.C.—EASTERN DISTRICT

- Henry v. Pemiscot Mem'l Health Sys. 181
- Kaminsky v. St. Louis Univ. Sch. of Med. 156

U.S.D.C.—WESTERN DISTRICT

- Seaton v. Freeman Health Sys. 92

MONTANA

- Benefis Healthcare v. Great Falls Clinic L.L.P. 184
- Sikorski v. Johnson 174

U.S.D.C.

- Northern Montana Care Ctr. v. Leavitt 171

NEBRASKA

- McLeay v. Bergan Mercy Health Sys. Corp. 107

U.S.D.C.

- Mueller v. Columbus Comm'ty Hosp. Inc. 125

NEW HAMPSHIRE

- Hall v. Dartmouth Hitchcock Med. Ctr. 93
- St. Joseph Hosp., In re 4

NEW JERSEY

- C.W. v. Cooper Health Sys. 146
- Carr v. Brezel 71
- Comm'ty Hosp. Grp. Inc. v. Blume Goldfaden Berkowitz Donnelly Fried & Forte P.C. 77
- Delgado v. Epstein 43
- Garaffa v. JFK Med. Ctr. 134
- Gorcey, Estate of v. Jersey Shore Med. Ctr. 55
- Hein v. Community Med. Ctr. 157
- Interim Health Care Middlesex-Somerset Inc. v. Highlands, The 85
- JFK Med. Ctr. v. Blume Goldfaden Berkowitz 8
- Karimi v. Trenton Psychiatric Hosp. 106
- Lee v. St. Barnabas Med. Ctr. 125
- Morristown Mem'l Hosp. v. Pelletier 124

U.S.D.C.

- DiCarlo v. St. Mary's Hosp. 139
- United States ex rel. Hefner v. Hackensack Univ. Med. Ctr. 27

NEW YORK

- Aiosa v. Mercy Med. Ctr. 154
- Anzalone v. Long Island Care Ctr. Inc. 59
- Broadie v. St. Francis Hosp. 43
- Bustos v. Lenox Hill Hosp. 99
- Cerny v. Williams 171
- Ditingo v. Dreyfuss 75
- Intelmann v. DeLuca 93
- Jarrett v. Novello 74
- King v. Mitchell 130
- Kropiewnicki v. New York, City of 108
- Laha v. Yonkers Gen. Hosp. 10
- Malaspina v. Victory Mem'l Hosp. 99
- Mattaldi v. Beth Israel Med. Ctr. 108
- Morgan v. New York, City of 172
- Nazareth Home of the Franciscan Sisters v. Novello 186
- Nyack Hosp. v. Gen. Motors Acceptance Corp. 25
- Ornstein v. New York Health & Hosps. Corp. 20
- Putter v. North Shore Univ. Hosp. 29
- Searle v. Cayuga Med. Ctr. at Ithaca 84
- Spina v. Jack D. Weiler Hosp. of Albert Einstein College of Med. 90
- St. Margaret's Ctr. v. Novello 10
- Tapia v. New York City Health & Hosps. Corp. 78
- Vaughan v. St. Francis Hosp. 103
- Williams, In re 136

U.S.D.C.—EASTERN DISTRICT

- Chapala v. Interfaith Med. Ctr. 182
- Jones v. Staten Island Univ. Hosp. 182
- Pisani v. Staten Island Univ. Hosp. 117
- Snell ex rel. Mendez v. Burt 18

U.S.D.C.—NORTHERN DISTRICT

- Anderson v. Perales 123

U.S.D.C.—SOUTHERN DISTRICT

- Bauman v. Mt. Sinai Hosp. 187
- Mahmud v. Kaufmann 188
- Romano v. New York Presbyterian Hosp. 89
- United States ex rel. Pervez v. Beth Israel Med. Ctr. 2
- Woods v. Goord 85

U.S.D.C.—WESTERN DISTRICT

- Fleming v. Deaconess Hosp. 182

NORTH CAROLINA

Barksdale, Estate of v. Duke Univ. Med. Ctr. 30  
Craven Reg'l Med. Auth. v. North Carolina Dep't of Health & Human Servs. 53  
Good Hope Health Sys. L.L.C. v. North Carolina Dep't of Human & Health Servs. 21  
Miller v. Forsyth Mem'l Hosp. 5  
Presbyterian Hosp. v. North Carolina Dep't of Health & Human Servs. 116  
Spell, Estate of v. Ghanem 27

NORTH DAKOTA

Moutrail Bethel Home v. Lovdahl 154  
Valkenburg v. J.S. 153

OHIO

Campbell v. Ohio State Univ. Med. Ctr. 76  
Catipay v. Humility of Mary Health Ptrs. 87  
Comm'ty Mem'l Hosp. v. Mattar 23  
Czarney v. Porter 104  
DeVault v. St. Charles Mercy Hosp. 92  
Fortune v. Castle Nursing Homes Inc. 3  
Galland v. Meridia Health Sys. Inc. 164  
Luettker v. St. Vincent Mercy Med. Ctr. 133  
Ochletree v. Trumbull Mem'l Hosp. 78  
Reihard v. Trumbull Cardiovascular Care Inc. 158  
Walker v. Firelands Comm'ty Hosp. 117

U.S.D.C.—SOUTHERN DISTRICT

Miami Valley Hosp. v. Comm'ty Ins. Co. 151

OKLAHOMA

Baker v. St. Francis Hosp. 28

U.S.D.C.—EASTERN DISTRICT

Tucker, In re 155

OREGON

Clarke v. Oregon Health Sciences Univ. 132  
Douglas Med. Ctr. v. Mercy Med. Ctr. 21  
Eusterman v. Northwest Permanente 38

U.S.D.C.

Ford v. Cascade Health Servs. 140

PENNSYLVANIA

Brodowski v. Ryave 6  
Elkins, In re Estate of 4  
Freed v. Geisinger Med. Ctr. 183  
Kennedy v. Butler Mem'l Hosp. 136  
Valley Med. Facilities Inc. v. Pennsylvania Property & Cas. Ins. Guaranty Ass'n 120  
Vogelsberger v. Magee-Women's Hosp. of UPMC Health Sys. 120

U.S.D.C.—EASTERN DISTRICT

Cohen v. KidsPeace Nat'l Ctrs. Inc. 105  
Everwine v. Nemours Found. 73  
Farrell v. A.I. DuPont Hosp. for Children of the Nemours Found. 141  
Kaniuka v. Good Shepherd Home 149  
Rhoads v. A.I. Dupont Hosp. for Children of the Nemours Found. 100

U.S.D.C.—MIDDLE DISTRICT

Bakare v. Pinnacle Health Hosps. Inc. 168

U.S.D.C.—WESTERN DISTRICT

Sacco v. Sec'y of Veteran's Affairs 165  
Taylor v. Allegheny Gen. Hosp. 7  
United States v. Bradford Reg'l Med. Ctr. 168

United States v. Ohio Valley Gen. Hosp. 34  
United States ex rel. Bartlett v. Tyrone Hosp. Inc. 40

RHODE ISLAND

Kent Cty. Mem'l Hosp. v. Rhode Island Dep't of Health 36

SOUTH CAROLINA

David v. McLeod Reg'l Med. Ctr. 40  
Levine v. Spartanburg Reg'l Healthcare Sys. 29  
Peek v. Spartanburg Reg'l Healthcare Sys. 29  
Stokes v. Spartanburg Reg'l Med. Ctr. 39

SOUTH DAKOTA

U.S.D.C.

Adams v. Rapid City Reg'l Hosp. Inc. 166  
Planned Parenthood Minn., N.D., S.D. v. Rounds 179

TENNESSEE

Burk v. RHA/Sullivan Inc. 189  
Flowers v. HCA Health Servs. of Tenn. Inc. 74  
Grigsby v. Univ. of Tenn. Med. Ctr. 61  
Huffaker v. St. Mary's Health Sys. Inc. 173  
Konvalinka v. Chattanooga-Hamilton Cty. Hosp. Auth. 173  
Taylor v. Jackson-Madison Cty. Gen. Hosp. Dist. 167

TEXAS

Amaya v. Bay Area Healthcare Grp. Ltd. 137  
Baptist Hosp. of S.E. Tex., In re 167  
Columbia Med. Ctr. Subsidiary L.P. v. Meier 136  
De La Vergne v. Methodist Healthcare Sys. of San Antonio L.L.P. 24  
HCRA of Tex. v. Johnston 12  
Hensarling v. Covenant Health Sys. 55  
Heritage Housing Development Inc. v. Carr 137  
Kinnard v. United Reg'l Health Care Sys. 106  
Living Ctrs. of Tex. Inc. v. Penalver 190  
Montgomery Cty. Hosp. Dist. v. Smith 25  
N.P. v. Methodist Hosp. 23  
Northeast Med. Ctr. v. Crooks 101  
Oak Park Inc. v. Harrison 172  
Ragan v. Manor Care Health Servs. Inc. 24  
State ex rel. Ven-A-Care of the Florida Keys Inc. v. Abbott Labs. Inc. 114  
Tenet Healthcare Ltd., In re 92  
Texas Tech Med. Ctr. v. Garcia 57  
Titus Reg'l Med. Ctr. v. Tretta 9  
Univ. of Tex. Health Ctr. at Tyler, In re 132  
Univ. of Tex. S.W. Med. Ctr. v. Dale 87

U.S.D.C.—NORTHERN DISTRICT

Baylor Health Care Sys. v. Nat'l Elevator Indus. Health Benefit Plan 178  
Daniel v. Dallas Cty. Hosp. Dist. 39  
Dillard v. United States 82  
Harris Methodist Ft. Worth v. Sales Support Servs. Inc. Emp. Health Care Plan 169  
Lynch v. Baylor Univ. Med. Ctr. 166  
Poliner v. Texas Health Sys. 75, 165

UTAH

U.S.D.C.

Northern Utah Healthcare Corp. v. BC Life & Health Ins. Co. 170

VIRGINIA

Alcoy v. Valley Nursing Home 119  
Southwestern Va. Mental Health Institute v. Wright 189

U.S.D.C.—EASTERN DISTRICT

Sloane v. NRI Inc. 66

U.S.D.C.—WESTERN DISTRICT

Brown v. Carillion Health Sys. 100

WASHINGTON

Schliep v. Providence Yakima Med. Ctr. 10

WEST VIRGINIA

Pochron v. Monongalia Gen. Hosp. 66

U.S.D.C.—SOUTHERN DISTRICT

Wahi v. Charleston Area Med. Ctr. 183

WISCONSIN

Baratti v. Elmbrook Mem'l Hosp. Inc. 2

Lamoreux v. Oreck 116

Manke v. Physicians Ins. Co. 43

Rouse v. Theda Clark Med. Ctr. 150

# **Section C**

---

Subject Matter Index



## ABORTION

- Constitutional law/rights 51, 53, 115
- Informed consent 84, 179
- Licensing 52
- Parental consent 35
- Partial-birth ban 51, 115
- Protesters 51
- RICO 51
- Standing to sue 115
- Waiting period 53

## ABUSE REPORTING

- Negligence 147

## ADMINISTRATIVE LAW

- Assault 28
- Certificate of need 4, 21, 36, 53, 68, 116
- Employment 54
  - Discrimination 166
- Labor relations 41
- Licensing 52
- Medicaid 10, 74
- Medicare 67, 74, 75, 186
- Nursing homes 123
- Staff privileges 187
- Unions 72

## AGENCY

- Damages 116
- Informed consent 88
- Jury instructions 84
- Malpractice 26, 27, 68, 116, 130
- Negligence 67, 116, 180

## AIDS/HIV

- Emotional distress 164
- Failure to inform of status 146
- False positive 34
- Fear of contracting 19
- Testing, informed consent 102

## AMERICANS WITH DISABILITIES ACT

- Employment 2, 7, 149, 165

## ANTITRUST

- Evidence 19, 21
- Physicians 19
- Staff privileges 183, 188
- Standing to sue 164

## ARBITRATION

- Employment 3, 23, 36
- Labor relations 180
- Negligence 3, 122
- Nursing homes 3, 36, 98

## ASSISTED SUICIDE

- Controlled Substances Act 18

## ATTORNEY'S FEES

- Payment 124
- Wrongful death 109

## BYLAWS

- Staff privileges 13, 45, 107, 117

## CERTIFICATE OF NEED

- Administrative law 21, 36, 68

Constitutional law/rights 68

Emergency services 116

Evidence 53, 68

Standing 4

## CHARITABLE INSTITUTIONS

Trusts 4

## CHILDREN AND INFANTS

Abuse allegations/reporting 37, 147

AIDS, emotional distress 164

Birth-related injuries 18, 26, 41, 42, 51, 78, 99, 135, 171, 180, 188

Disability discrimination 100

Fetal tissue mishandling 117

Guardianship 41

Malpractice 26, 42, 51, 103, 132, 135, 188

Negligence 18, 28, 105, 179, 180, 188

Suicide of 105

Wrongful death 100, 150

## CIVIL PROCEDURE

*see also* JURIES, STATUTE OF LIMITATIONS

Abortion 115

Certificate of need 21

Declaratory judgment 135

Discovery 132

Employment 66, 149

False Claims Act 163

Negligence 117, 136, 137

Notice *see* NOTICE

Res judicata 149

SLAPP 139

Writ of administrative mandate 155

## CIVIL RIGHTS

Abuse allegations 37

Immunity 8

Physicians 4

Prisoner treatment 85

Uninsured overcharged 106

## CONSTITUTIONAL LAW/RIGHTS

Abortion 35, 51, 53, 84, 115, 179

Abuse allegations 37

Administrative law 123

Damages cap 132

Discrimination 148

Drug testing 164

Immunity 8

Indigent care 21

Involuntary medication 90

Medicaid 121

Mental health facility access 11

Peer review 106

Staff privileges 125, 155, 183

## CONTRACTS

*see also* ARBITRATION

Advertising 121

Antitrust 164

Discrimination 188

Employment 23, 37, 85, 100, 133, 166, 181, 188

Evidence 180

Indigent care 21

Informed consent 120

Insurance 85, 88, 170, 178

Jurisdiction 121  
 Leases 140  
 Medicaid 69  
 Mental health 27  
 Noncompetition 37  
 Nurse recruitment 22  
 Nursing homes 22, 98  
 Payment 53, 69, 85, 106, 124, 138, 139, 154, 155  
 Peer review 75, 168  
 Physicians 9, 23, 102, 117, 131, 133, 140, 164, 166, 168, 180  
 Release as barring negligence claim 131  
 Sale of facility 29  
 Staff privileges 13, 29, 45, 107, 125, 140, 188  
 Staffing agency 85  
 Standing to sue 29, 140  
 Statute of limitations 53  
 Tortious interference 38  
 Trusts 4

**CRIMINAL LAW**  
 Medicaid fraud 104

**DAMAGES**  
 Birth-related injuries 51  
 Cap 82, 132  
 Defamation 75, 165  
 Employment 7  
 EMTALA 82, 148  
 Informed consent 120  
 Malpractice 51, 82, 99, 132, 136, 167, 170  
 Negligence 12, 75, 116, 120  
 Noncompetition 37  
 Peer review 75, 165  
 Punitive 12, 165  
 Vicarious liability 75  
 Wrongful death 137, 158

**DEFAMATION**  
 Employment 117  
 Immunity 9  
 Peer review 75, 106

**DISCOVERY**  
 Civil procedure 132  
 HIPAA 92, 150  
 Malpractice 73, 99  
 Mental health 5  
 Peer review 5

**DISCRIMINATION**  
*see also* EMPLOYMENT  
 Handicapped persons 100  
 Physicians 148  
 Staff privileges 107

**DRUG TESTING**  
 Immunity 164

**DRUGS**  
 Controlled Substances Act 18  
 Employee use 149  
 Involuntary medication 90, 136  
 Nurse misconduct 83  
 Prescription negligence 187  
 Wrongful death 55

**ELDER ABUSE**  
 False imprisonment 70  
 Wrongful death 109

**EMERGENCY ROOMS**  
 AIDS/HIV exposure 164  
 Premises liability 187

**EMERGENCY SERVICES**  
 Abuse reporting 147  
 Ambulance services 22, 24  
 Certificate of need 116  
 EMTALA *see* EMTALA  
 Malpractice 135  
 Negligence 6, 24, 147  
 "Patient dumping" 130

**EMOTIONAL DISTRESS**  
 Aids, fear of contracting 19  
 Discrimination 148  
 Drug testing negligence 122  
 Employment 7  
 False imprisonment 70  
 Fetal tissue mishandling 117  
 Malpractice 73  
 Privacy rights 76

**EMPLOYMENT**  
*see also* LABOR RELATIONS  
 AIDS/HIV 34  
 Americans with Disabilities Act 2, 7, 86, 118, 149, 165  
 Arbitration 3, 23, 36  
 Assault 23, 28  
 Civil procedure 66  
 Contracts 23, 37, 82, 85, 100, 125, 133, 166, 181  
 Damages 7  
 Defamation 117  
 Discharge 7, 23, 35, 38, 82, 86, 149, 163  
     of Employee following suicide attempt 149  
 Discrimination 2, 6, 7, 36, 38, 39, 54, 55, 71, 83, 85, 86, 100,  
     118, 156, 163, 165, 166, 181, 182, 188  
 Emotional distress 7  
 Evidence 7  
 Family and medical leave 2, 71  
 Handbook 36  
 HIPAA 100  
 Identity theft 66  
 Immunity 25  
 Jurisdiction 25  
 Mental health 23  
 Negligence 28  
 Noncompetition 37  
 Nurses 2, 3, 6, 7, 26, 41, 71, 83, 85, 165, 166, 180, 181, 182  
 Physicians 6, 23, 37, 38, 85, 86, 100, 101, 118, 125, 133, 149,  
     166, 181, 182, 188  
 Respondeat superior 76  
 Retaliatory claim 25, 38, 71, 82, 182  
 Safety 182  
 Settlement 92  
 Sexual harassment 181  
 Staffing agency 85  
 Statute of limitations 86  
 Surveillance 184  
 Teaching hospitals 54, 156  
 Veterans Affairs 54, 71, 118, 165

Whistleblower 35, 118  
Workers' compensation *see* WORKERS' COMPENSATION

#### EMTALA

Ambulance services 22  
Damages 148  
Discovery 150  
Evidence 70  
Jurisdiction 22  
Malpractice 70  
    Damages cap 82  
Mental health 27  
Payment 69  
Statute of limitations 69  
Uninsured overcharged 106

#### ERISA

Assignment 151  
Preemption 88, 151

#### EVIDENCE

*see also* RECORDS  
Agency 26  
AIDS, fear of contracting 19  
Antitrust 19, 21  
Assault 30  
Certificate of need 36, 53, 68  
Contracts 180  
Defamation 117  
Emotional distress 70  
Employment 55, 182  
    Discrimination 156  
EMTALA 70, 148  
False imprisonment 70  
Informed consent 150  
Malpractice 10, 26, 40, 41, 42, 43, 55, 74, 77, 78, 88, 99, 103,  
    118, 121, 133, 135, 136, 141, 152, 170, 171, 185  
Medicare 156  
Mental health 136, 153  
Negligence 23, 42, 45, 119, 123, 131, 137, 152, 169  
Payment 155  
Premises liability 91, 92  
Res ipsa loquitur 74  
Spoliation 23, 39  
Staff privileges 45  
Statute of limitations 29  
Unions 72  
Workers' compensation 108  
Wrongful death 13, 43, 45, 78, 137, 158

#### EXPERT TESTIMONY

Fraud 24  
Informed consent 150  
Malpractice 24, 26, 40, 43, 55, 87, 101, 104, 108, 119, 134, 135,  
    167, 183, 185  
Negligence 6, 7, 39, 87, 105, 119, 123, 153, 157, 167  
Nurses 24  
Premises liability 172  
Wrongful death 43, 55, 101, 157

#### FALSE CLAIMS ACT

Civil procedure 163, 168  
Medicaid 40, 163, 168  
Medicare 2, 40, 101, 163, 168  
Physicians 163

#### FEDERAL TORT CLAIMS ACT

Malpractice 135

#### FINANCE AND REVENUE

Trusts 4

#### FRAUD

Criminal law 104  
Expert testimony 24  
False Claims Act 56  
Fraudulent concealment 68, 73  
Medicaid 89, 104, 114  
Medicare 2, 27, 34, 114  
Payment 53  
Settlements 114  
Statute of limitations 53  
Uninsured overcharged 139

#### GUARDIANSHIP

Malpractice 41

#### HANDICAPPED PERSONS

Premises liability 28, 44

#### HEALTH CARE QUALITY IMPROVEMENT ACT

Immunity 83, 87  
Peer review 4

#### HIPAA

Discovery 150  
Employment 100  
Mental health records 187  
Preemption 134  
Privacy rights 8  
Redaction inadequate 92  
Standing to sue 8, 102

#### HMOs

Payment 135

#### IMMUNITY

Civil rights 8  
Defamation 9, 168  
Drug testing 164  
Emergency services 24  
Employment 25  
False imprisonment 168  
Malpractice 150  
Negligence 11, 24  
Peer review 83, 87, 106, 168, 178, 183  
Staff privileges 107, 183  
Teaching hospitals 150, 189  
Wrongful death 174, 189

#### INDIGENT CARE

County found distribution 21

#### INFORMED CONSENT

Abortion 84, 179  
AIDS/HIV testing 102  
Contracts 120  
Expert testimony 150  
Malpractice 73, 103, 108, 133  
Negligence 71, 169  
Vicarious liability 88  
Wrongful birth 93

## INSURANCE

- Assignment 25, 151
- Contracts 38, 85, 88, 170, 178
- Coverage 25
- ERISA 88, 151, 169, 170
- Nursing homes 9, 151
- Professional liability 120

## JURIES

- Instructions 10, 39, 84, 153, 170
- Misconduct 43

## JURISDICTION

- Contracts 69, 121
- Employment 25, 83
- EMTALA 22
- Malpractice 26
- Mental health facility access 11
- Staff privileges 125

## LABOR RELATIONS

- see also* EMPLOYMENT
- Administrative law 72
- Arbitration 180
- Collective bargaining 26, 41
- Nurses 26, 41, 180
- Unions 72, 184

## LICENSING

- Abortion 52
- Ownership change challenge 184

## MALPRACTICE

- Agency 26, 27, 68, 84, 116, 130
- Assault, sexual 119
- Birth-related injuries 26, 41, 42, 51, 78, 99, 135, 171, 188
- Children and infants 26
- Contributory claim 185
- Damages 51, 99, 136, 167, 170
  - Cap 82, 132
- Discovery 73, 99
- Emergency services 135
- EMTALA 70
- Evidence 10, 26, 29, 39, 40, 41, 42, 43, 55, 70, 74, 77, 78, 88, 99, 103, 118, 119, 121, 133, 135, 136, 141, 152, 170, 171, 185
- Expert testimony 24, 26, 40, 43, 55, 87, 104, 108, 119, 134, 135, 167, 183, 185
- Federal Tort Claims Act 135
- Fraudulent concealment 68, 73
- Guardianship 41
- Infection control 41
- Informed consent 103, 108, 133
- Insurance 120
- Juries 43
- Jurisdiction 26
- Jury instructions 10, 84, 170
- Medical devices 74
- Mental health 172
- Notice 157, 185
- Nurses 24, 27, 87, 88, 104
- Nursing homes 91
- Physicians 26, 51, 68, 84, 93, 116, 118, 130, 185
- Premises liability as 172
- Records 73, 134
- Respondeat superior 116, 152

## Settlement 44

- Statute of limitations 29, 30, 73, 77, 78, 93, 108, 141, 152, 188
- TB exposure 90
- Teaching hospitals 133, 185
- Vicarious liability 103, 130

## MEDICAID

- Administrative law 10, 74
- Contracts 69
- Coverage 121
- False Claims Act 40, 163, 168
- Fraud 89, 104, 114
- Nursing homes 10, 74, 104, 186
- Sanctions 171
- Trusts 52

## MEDICAL DEVICES

- Malpractice 74
- Negligence 154

## MEDICAL SCHOOLS *see* TEACHING HOSPITALS

## MEDICARE

- Administrative law 67, 74, 75, 186
- Evidence 156
- False Claims Act 40, 163, 168
- Fraud 2, 27, 34, 101, 114
- Nursing homes 89
- Penalties 89
- Reimbursement 67
  - Bad debts 75
- Sanctions 171
- Teaching hospitals 156

## MENTAL HEALTH

- Advocacy group access 11
- Assault 23
  - Workers' comp 189
- Contracts 27
- Employee discharge following suicide attempt 149
- Employment 23
- EMTALA 27
- Evidence 153
- False imprisonment 172
- Immunity 11
- Involuntary commitment 153
- Involuntary medication 90, 136
- Malpractice 172
- Negligence 11, 154, 167, 172
- Patient access 11
- Premises liability 76, 172
- Privacy rights 5
- Records 5, 187
- Suicide of patient 105, 154

## NEGLIGENCE

- Abuse reporting 147
- Agency 67, 68, 116, 130, 180
- AIDS/HIV 102, 146, 164
- Arbitration 3, 122
- Assault 28
  - Sexual 119
- Birth-related injuries 18
- Children and infants 179, 180, 188
- Contributory 185
- Corporate 6

Credentialing 39, 44, 90, 105, 139  
 Damages 12, 75, 116, 120, 136  
 Discovery 5, 150  
 Door injury 44  
 Drug testing 122  
 Emergency services 6, 24, 147  
 Emotional distress 164  
 Evidence 10, 23, 42, 45, 119, 123, 131, 136, 137, 152, 169  
 Expert testimony 7, 39, 87, 105, 119, 123, 134, 153, 157, 167  
 Fetal tissue mishandling 117  
 Fraudulent concealment 68  
 Identity theft 66  
 Immunity 11, 24  
 Informed consent 71, 93, 120, 169  
 Juries 43  
 Medical equipment 154  
 Mental health 11, 105, 167, 172  
 Notice 91  
 Nurses 7, 104, 105, 123, 154  
 Nursing homes 3, 12, 36, 123, 137, 141, 189  
 "Patient dumping" 130  
 Physicians 68, 71, 75, 90, 103, 104, 116, 122, 130, 152, 154, 180  
 Premises liability 187  
     *see also* PREMISES LIABILITY  
 Release as barring claim 131  
 Respondeat superior 152  
 Settlement 2  
 Statute of limitations 93, 179  
 Suicide of patient 154  
 TB exposure 90  
 Teaching hospitals 93  
 Veterans affairs 82  
 Vicarious liability 75, 92, 130, 136, 137  
 Waiver of claim 154

**NONPROFIT INSTITUTIONS**  
 Ownership change challenge 184  
 Payment 124  
 Records 77  
 Sale of facility 29

**NOTICE**  
 Negligence 91  
 Wrongful death 93, 157

**NURSES**  
 Agency 27  
 Civil rights 8  
 Collective bargaining 41  
 Contracts, recruitment 22  
 Employment 3, 6, 71, 83, 85  
     Discrimination 2, 7, 165, 166, 181, 182  
 Expert testimony 183  
 Labor relations 26, 180  
 Malpractice 24, 27, 87, 88  
 Negligence 7, 104, 105, 123, 154  
 Premises liability 125  
 Workers' compensation 125, 173

**NURSING HOMES**  
 Administrative law 28, 123  
 Advocacy group access 12  
 Arbitration 36, 98  
 Assault 28  
     Sexual 119

Constitutional law/rights 123  
 Contracts 22, 154  
 Damages 12  
 Elder abuse 9, 11  
 Insurance 9, 151  
 Malpractice 91, 119  
 Medicaid 10, 74, 186  
     Fraud 104  
 Medicare 89  
 Negligence 3, 12, 36, 119, 123, 137, 141, 189  
 Patients Bill of Rights 91  
 Payment 154  
 Records 12  
 Statute of limitations 11  
 Vicarious liability 137  
 Wrongful death 93, 126, 137, 141, 151, 189, 190

**PAYMENT**  
*see also* INSURANCE  
 Attorney's fees 124  
 "Balance billing" 138  
 Bankruptcy discharge 155  
 Collection agency 138  
 Contracts 53, 69, 85, 138, 139, 154, 155  
 EMTALA 69  
 False imprisonment 68  
 Fraud 53  
 HMOs 135  
 Liens 124, 138, 155  
 Nursing homes 154  
 "Patient dumping" 130  
 Records fees 173  
 Settlement 138  
 Uninsured overcharged 106, 124, 139, 140

**PEER REVIEW**  
*see also* STAFF PRIVILEGES  
 Constitutional law/rights 106  
 Contracts 168  
 Damages 165  
 Defamation 75, 106, 165, 168  
 Discovery 5  
 Health Care Quality Improvement Act 4  
 Immunity 83, 87, 106, 168, 178, 183  
 Records 44, 173  
 SLAPP 139

**PHYSICIANS**  
 Agency 26, 67, 68, 84, 88, 116, 130, 180  
 Antitrust 19, 164  
 Civil rights 4  
 Contracts 9, 23, 117, 131, 164, 166, 180  
 Credentialing 39, 44  
 Defamation 9, 139  
 Discrimination 140, 148  
 Employment 23, 38, 85, 86, 100, 101, 118, 133, 149, 166, 181,  
     182, 188  
     Discrimination 6  
 False Claims Act 163  
 Fraudulent concealment 68  
 Health Care Quality Improvement Act 4  
 HIPAA 100, 102  
 Informed consent 71  
 Malpractice 26, 51, 68, 84, 93, 103, 116, 118, 130, 152, 185

Misconduct 139  
 Negligence 67, 68, 71, 75, 90, 103, 104, 116, 122, 130, 152, 154, 180  
 Noncompetition 37  
 Peer review *see* PEER REVIEW  
 Respondeat superior 116, 152  
 Staff privileges *see* STAFF PRIVILEGES  
 Vicarious liability 75, 88, 103, 130  
 Wrongful death 101

PREEMPTION  
 ERISA 88  
 HIPAA 134

PREMISES LIABILITY  
 Assault 76  
 Emergency rooms 187  
 Expert testimony 172  
 Handicapped persons 28, 44  
 as Malpractice 172  
 Mental health 172  
 Slip and fall 91, 92  
 Vicarious liability 92  
 Workers' compensation 125

PRIVACY RIGHTS  
 AIDS/HIV 34  
 Emotional distress 76  
 HIPAA 8  
 Mental health 5  
 Records 77

PROFESSIONAL MISCONDUCT  
 Evidence 45

RECORDS  
 AIDS/HIV, failure to inform of status 146  
 Class action, fees 173  
 Discovery 132  
 HIPAA 8, 92, 134  
   *see also* HIPAA  
 Identity theft 66  
 Malpractice 73  
 Mental health 5, 187  
 Nonprofit institutions 77  
 Nursing homes 12  
 Peer review 44, 173  
 Privacy rights 76, 77  
 Standing 77  
 Sunshine laws 77

SETTLEMENT  
 Employment 92  
 Identity theft 66  
 Indemnity 44  
 Liens 124  
 Medicaid/Medicare fraud 114  
 Negligence 2  
 Payment 138

SOCIAL SERVICES  
 Abuse allegations 37

STAFF PRIVILEGES  
*see also* PEER REVIEW  
 Administrative law 187  
 Antitrust 183, 188

Bylaws 13, 45, 107, 117  
 Constitutional law/rights 125, 183  
 Contracts 13, 107, 125, 140, 188  
 Discrimination 6, 107, 118, 140  
 Immunity 83, 87, 107, 183  
 Jurisdiction 125  
 National Practitioner Data Bank 149  
 Negligent credentialing 139  
 Revocation 29  
 SLAPP 139  
 Suspension 45, 107, 149, 165  
 Termination 155

STANDING TO SUE  
 Abortion 115  
 Antitrust 164  
 Certificate of need 4  
 Contracts 29, 140  
 HIPAA 8, 102  
 Records 77

STATUTE OF LIMITATIONS  
 Birth-related injuries 78  
 Certification 30  
 Contracts 53  
 Elder abuse 11  
 Employment 86  
 EMTALA 69  
 Fraud 53  
 Malpractice 29, 30, 73, 77, 78, 93, 108, 141, 152, 188  
 Negligence 93, 179  
 Wrongful death 107, 126, 189

TEACHING HOSPITALS  
 Employment 54  
   Discrimination 156, 166  
 Immunity 150, 189  
 Malpractice 133, 150, 185  
 Medicare 156  
   Fraud 27  
 Negligence 93  
 Wrongful death 13, 189

VETERANS AFFAIRS  
 Assault 30  
 Employment 54, 71, 118, 165  
 Negligence 82

WORKERS' COMPENSATION  
 Assault 108, 189  
 Latex allergy 173  
 Nurses 125

WRONGFUL BIRTH  
 Informed consent 93

WRONGFUL DEATH  
 Attorney's fees 109  
 Children and infants 100  
 Damages 114, 137, 158  
 Discovery 150  
 Drugs 55  
 Elder abuse 109  
 Evidence 43, 45, 78, 137, 157, 158  
 Expert testimony 43, 55, 101, 157  
 Immunity 174, 189

Insurance 151  
Notice 91, 157  
Nursing homes 93, 109, 126, 137, 141, 151, 189, 190

Physicians 101  
Statute of limitations 107, 126, 189  
Teaching hospitals 13, 189