

NEWS RELEASES

PUBLISHED: SEPTEMBER 28, 2016

Industries

Education

Healthcare

Life Sciences

Professional

ANN M. MAHER

MILWAUKEE:

414.978.5410

ANN.MAHER@

HUSCHBLACKWELL.COM

Husch Blackwell Successfully Defends Northwest Community Hospital in Federal Lawsuit Regarding Termination of Surgeon's Medical Staff Privileges

Husch Blackwell successfully defended Northwest Community Hospital (NCH) and other named defendants in a lawsuit that alleged violations of federal antitrust law, Title VII of the Civil Rights Act of 1964, and various Illinois state law claims, brought by a surgeon and her medical practice. The case arose after NCH terminated the clinical and medical staff privileges of a general surgeon following a prolonged internal peer review process in accordance with the hospital's bylaws.

Following dismissal of the Plaintiffs' antitrust claims early in the litigation, NCH filed a motion for summary judgment on the Plaintiffs' remaining claims, in which it argued, among other things, that the plaintiff-physician was not an "employee" under Title VII. In opposition to this argument, the Plaintiffs argued that the mere existence of a hospital's internal-review mechanisms (set forth in the hospital's bylaws) was sufficient to establish an employer-employee relationship under Title VII.

Northern District of Illinois Judge Gary Feinerman agreed with NCH and dismissed Plaintiffs' Title VII claim, concluding in his decision granting summary judgment that "no reasonable factfinder could conclude that [the plaintiff] was an NCH employee within the meaning of Title VII." After dismissing Plaintiffs' Title VII claim, the court relinquished jurisdiction over the Plaintiffs' state law claims, mooted all further motions in connection with them.

The District Court's rejection of the Plaintiffs' proffered interpretation of Title VII is consistent with established precedent recognizing that a hospital's general oversight of the professional performance of members of its medical staff is insufficient, standing alone, to create an employer-employee relationship. The District Court's decision is also consistent with courts' general reluctance to second-guess hospitals' staffing and credentialing decisions, in recognition of hospitals' significant responsibility to act in the interests of patient safety and quality care.

The Husch Blackwell team was led by Patrick Coffey and included Ann Maher, Leslie Gutierrez and Emily Constantine.