

SYNOPSIS OF THE CASE

2024 MT 28, DA 24-0101: THOMAS C. WEINER, M.D., Plaintiff and Appellant, v. ST. PETER'S HEALTH, a Montana Domestic Nonprofit Corporation, d/b/a St. Peter's Hospital, WADE JOHNSON, JAMES TARVER, M.D., KERRY HALE, M.D., SHELLY HARKINS, M.D., TODD WAMPLER, M.D., RANDY SASICH, M.D., and JOHN DOES 1-5, Defendants and Appellees.¹

In a unanimous decision, the Montana Supreme Court upheld a district court's decision that St. Peter's Health and several physicians (collectively, SPH) was entitled to immunity from damages under the federal Health Care Quality Improvement Act (HCQIA) for claims Weiner made against SPH that arose out of SPH's peer review process. SPH initiated the peer review following complaints about Weiner's competency as a physician and his patient care.

Weiner is a physician board certified in oncology and licensed to practice medicine in Montana. Since 1996, Weiner had medical privileges and membership at SPH until revoked by the Board in 2020 following the death of Weiner's patient who Weiner allegedly had misdiagnosed with lung cancer. SPH claimed that Weiner administered an eleven-year course of chemotherapy without documented confirmed evidence of malignancy, culminating in the patient's death. SPH began its peer review investigation which included using an external medical consulting firm and the University of Utah. In addition to other instances of substandard patient care, SPH's extensive investigation revealed additional evidence that Weiner overprescribed narcotic medication without documentation, failed to have narcotic contracts, and treated non-cancer pain patients with narcotics or benzodiazepine for long periods of time at high dosages. As a result, SPH revoked Weiner's medical privileges and membership after concluding that patient safety and the quality of health care necessitated Weiner's privileges be immediately suspended.

Peer review, the process by which physicians and hospitals evaluate and discipline doctors, has become an effective part of health care. HCQIA was enacted by Congress to improve the quality of health care through peer review. Congress found that the threat of private money damages unreasonably discouraged physicians from participating in effective peer review. Consequently, HCQIA protects doctors and staff who participate in peer review against lawsuits for damages, provided their actions comport with certain obligations and requirements of HCQIA. HCQIA applies to actions filed in state courts.

Weiner filed his complaint against SPH alleging numerous claims arising out of SPH's peer review process. SPH, however, maintained that the hospital and the peer reviewers were immune from damages based on HCQIA. The Montana Supreme Court reviewed

¹ This synopsis has been prepared for the convenience of the reader. It constitutes no part of the Opinion of the Court and may not be cited as precedent.

SPH's peer review process and concluded that SPH had met its obligations under HCQIA and was entitled to HCQIA's presumption of immunity from damages. It further concluded that the record did not substantiate that Weiner had rebutted the presumption. Accordingly, the Court upheld the dismissal of Weiner's claims against SPH and the physician peer reviewers because the claims arose out of and were related to SPH's peer review.