

Bond Case Briefs

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Memorial Hospital of Sweetwater County v. Menapace

Supreme Court of Wyoming - November 9, 2017 - P.3d - 2017 WL 5185150 - 2017 WY 131

Patient brought medical malpractice action against county hospital.

The District Court denied hospital's motion for summary judgment, and hospital appealed.

The Supreme Court of Wyoming held that:

- Hospital's liability insurance policy did not provide coverage for liability beyond the liability provided under the Wyoming Governmental Claims Act (WGCA), and
- Government entity's purchase of liability insurance is not an absolute or complete waiver of immunity.

County hospital's liability insurance policy did not provide coverage for liability for the acts or omissions of doctor, its apparent agent, at time of treatment of patient, who later required emergent bilateral above the knee amputations at another hospital, beyond the liability under the Wyoming Governmental Claims Act (WGCA), although policy provided coverage for "any person for whose acts or omissions" the hospital "is legally responsible," since policy provided coverage for the hospital's liability only under WGCA rather than expanding the hospital's liability for its apparent agents.

A government entity's purchase of liability insurance is not an absolute or complete waiver of immunity.