

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - NEVADA

McCrosky v. Carson Tahoe Regional Medical Center

Supreme Court of Nevada - December 28, 2017 - P.3d - 2017 WL 6629160

Patient brought medical malpractice action against hospital, alleging that hospital was directly and vicariously liable for alleged negligence of physician, who delivered her infant and worked at hospital as independent contractor, after delivery resulted in infant suffering permanent, debilitating injuries.

The First Judicial District Court granted hospital partial summary judgment on issue of vicarious liability and, upon jury verdict, entered judgment finding that hospital was not directly negligent. Patient appealed.

The Supreme Court of Nevada held that:

- Statute abrogating joint and several liability did not preclude patient from seeking to hold hospital vicariously liable for physician's alleged negligence;
- Patient's settlement with physician did not extinguish her claims of vicarious liability against hospital;
- Fact issue precluded summary judgment on patient's vicarious liability claim;
- State statute preventing collateral sources from recovering directly from prevailing plaintiffs in medical malpractice cases was preempted, to extent that it prevented recovery of federal collateral source payments, by federal law.