

Bond Case Briefs

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LIABILITY - KANSAS

Nash v. Blatchford

Court of Appeals of Kansas - January 4, 2019 - P.3d - 2019 WL 102254

Patient brought action against physician, who practiced at municipal hospital, for medical malpractice alleging physician negligently performed surgery.

The District Court granted physician's motion for summary judgment. Patient appealed.

The Court of Appeals held that:

- Physician was an employee of hospital;
- Provision of Health Care Provider Insurance Availability Act did not apply in patient's claim; Amendments to statutory notice requirement applied to patient's claim; and
- For purposes of equal protection, rational basis existed for statutory notice requirement that medical malpractice victims provide written notice to municipal hospital prior to filing suit against employee physicians.