Corporate Negligence in Medical Malpractice

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In 1991, corporate negligence was recognized as a cause of action by the Pennsylvania Supreme Court in the case of Thompson v. Nason Hospital. Corporate negligence is a doctrine under which a hospital is liable if it fails to uphold the proper standard of care owed a patient. This “standard of care” ensures a patient’s safety and well-being while hospitalized.

The theory of a hospital’s liability is to create a non-delegable duty with which the hospital owes directly to a patient. In other words, an injured party does not have to establish the negligence of a healthcare professional in the employ of the hospital in order to bring forth a claim of corporate negligence. Vicarious liability is the cause of action for a claim wherein the injured party alleges negligence on the part of the hospital’s employee or agent, such as a physician, nurse, therapist, etc.

The hospital’s non-delegable duties, in the context of a corporate negligence claim, are classified into four general areas: a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment; a duty to select and retain only competent physicians; a duty to oversee all persons who practice medicine in the hospital; and a duty to formulate, adopt, and enforce adequate and appropriate rules, policies, and procedures to ensure quality care for the patients.

In Thompson, the Pennsylvania Supreme Court reasoned that a corporate negligence claim was needed for hospitals “in full recognition of the corporate hospital’s role in the total health care of its patients.” Both vicarious liability and corporate negligence claims may be brought against a hospital in a medical malpractice lawsuit. In addition, specific claims may be brought against individual healthcare professionals who cared for the patient while in the hospital.

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