

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Vails v. Wojtaszczyk

Vails, 2026 NY Slip Op 03751 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Case No. 2024-06318; Appeal No. 6881; Index No. 23815/18 · Decided June 11, 2026

SUMMARY

The Appellate Division, First Department affirmed the denial of Providence Rest Nursing Home Company, Inc.'s motion for summary judgment in a medical malpractice action involving treatment of hyperkalemia and continued administration of lisinopril. The court held that plaintiff's expert rebutted Providence's prima facie showing and that challenges to the expert's qualifications and factual assumptions presented issues for trial.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Scarpulla, J.; Friedman, J.; Mendez, J.; Pitt-Burke, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	June 11, 2026
DOCKET	Case No. 2024-06318; Appeal No. 6881; Index No. 23815/18
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of Supreme Court, Bronx County, denying Providence Rest's motion for summary judgment dismissing the complaint against it.
STANDARD OF REVIEW	Summary judgment is denied where the opposing expert submission directly addresses the movant's prima facie showing and raises a triable issue of fact; an expert's qualifications may present an issue for trial when the expert demonstrates requisite knowledge and experience.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Providence Rest Nursing Home Company, Inc. d/b/a Providence Rest v. Robbin Vails, etc.

TOPICS

nursing home liability

medical malpractice

summary judgment

standard of care

appellate procedure

PRACTICE AREAS

medical malpractice

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QUESTIONS PRESENTED

1. Whether Providence established entitlement to summary judgment on the medical negligence claim.
2. Whether plaintiff's expert's opinion was sufficiently supported by the record to raise a triable issue of fact.
3. Whether plaintiff's expert was qualified to offer an opinion regarding treatment of hyperkalemia and the use of lisinopril.

HOLDINGS

1. Providence was not entitled to summary judgment because plaintiff's expert directly rebutted Providence's prima facie showing and raised a triable issue concerning whether Providence should have withheld lisinopril after the decedent became hyperkalemic.
2. The qualification issue had to be left for trial because plaintiff's expert averred that the expert had knowledge and experience treating patients with hyperkalemia, elevated laboratory levels, and angiotensin-converting enzymes including lisinopril.

KEY QUOTATIONS

"A physician need not be a specialist in a particular field if he nevertheless possesses the requisite knowledge necessary to make a determination on the issues presented" ([*2])

"Thus, the issue of whether the expert was qualified "must be left for trial"" ([*2])

FACTUAL BACKGROUND

The decedent was transferred to Providence from Jacobi Medical Center with discharge instructions stating that lisinopril should be withheld if she became hyperkalemic. Blood testing at Providence showed hyperkalemia on two consecutive days, but lisinopril continued to be administered. Providence submitted an expert opinion that the decedent was properly treated with Kionex and that withholding lisinopril based on one set of laboratory values could cause more harm than benefit; plaintiff's expert disagreed and opined that Providence should have stopped lisinopril because it raises potassium levels.

PROCEDURAL HISTORY

Supreme Court, Bronx County, denied Providence Rest Nursing Home Company, Inc.'s motion for summary judgment. The Appellate Division, First Department, unanimously affirmed the order to the extent appealed from.

DISPOSITION

affirmed

CASES CITED

- Camacho v Pintauro, 210 AD3d 578, 579 (1st Dept 2022)
- Almeyda v Concourse Rehabilitation & Nursing Ctr., Inc., 195 AD3d 437, 438 (1st Dept 2021)
- Limmer v Rosenfeld, 92 AD3d 609, 609 (1st Dept 2012)

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