

SUPREME COURT OF MISSISSIPPI

Jackson HMA, LLC v. Evelyn Harris

242 So. 3d 1 (Miss. 2018) · No. 2016-IA-01364-SCT · Decided February 1, 2018

SUMMARY

The Mississippi Supreme Court held that the plaintiff's claims arising from a hospital patient's fall were medical-negligence claims despite being labeled as general negligence, premises liability, gross negligence, and res ipsa loquitur. The court concluded that the plaintiff had not presented competent sworn expert testimony establishing the applicable standard of care, breach, and proximate causation, and that the layman's exception did not apply. The court reversed the trial court's denial of summary judgment and rendered judgment for Jackson HMA.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	King, Justice, for the Court; Waller, Chief Justice; Kitchens, Presiding Justice; Maxwell, Justice; Chamberlin, Justice; Coleman, Justice; Randolph, Presiding Justice; Ishee, Justice; Beam, Justice
JURISDICTION	Mississippi
DECIDED	February 1, 2018
DOCKET	2016-IA-01364-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jackson HMA petitioned for interlocutory appeal from the Hinds County County Court's denial of its motion for summary judgment in a medical-negligence action. The Mississippi Supreme Court granted the interlocutory appeal, reversed the denial of summary judgment, and rendered judgment for Jackson HMA.
STANDARD OF REVIEW	Summary-judgment rulings and legal issues are reviewed de novo. Summary judgment is proper when the record shows no genuine issue of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Jackson HMA, LLC d/b/a Merit Health Central f/d/b/a Central Mississippi Medical Center v. Evelyn Harris, as the administratrix and personal representative of the estate of Melvin Harris

TOPICS

medical malpractice

summary judgment

expert testimony

appellate procedure

standard of review

PRACTICE AREAS

medical malpractice

health law

civil procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the interlocutory appeal was permissible despite Mississippi Code section 11-51-79's provisions concerning appeals from county court.
2. Whether the claims labeled as general negligence, premises liability, gross negligence, respondeat superior, agency, and res ipsa loquitur were actually medical-negligence claims.
3. Whether Harris presented competent expert testimony sufficient to create a genuine issue of material fact on the medical-negligence claims.
4. Whether the layman's exception to the requirement of expert medical testimony applied to the decision whether and how to prevent a dementia patient from falling.

HOLDINGS

1. The appeal was permissible because Mississippi Rule of Appellate Procedure 5 and the applicable court rules govern the interlocutory appeal procedure and prevail over section 11-51-79 to the extent of any conflict.
2. Despite the labels attached to them, Harris's general-negligence, premises-liability, gross-negligence, respondeat-superior, agency, and res ipsa loquitur theories were all based on alleged medical negligence under the specific facts of the case.
3. Harris's unsworn expert designation, signed only by counsel, was not competent evidence to oppose summary judgment, and Dr. Davis-Sullivan's affidavit did not establish the nursing standard of care, breach, or proximate cause.
4. The layman's exception did not apply because determining whether and how to keep a dementia patient in bed or prevent a fall requires professional knowledge and judgment.

KEY QUOTATIONS

"Because Harris failed to present sworn expert medical testimony to support her claims, no genuine issue of material fact exists." (242 So. 3d at 1)

"It is clear under the specific facts of this case, with a careful reading of the complaint and briefs, that all the claims are based in medical negligence, despite the labels applied." (242 So. 3d at 7)

"The decision whether and how to keep a patient in bed or from falling is necessarily one that requires professional knowledge and judgment and it necessitates expert medical testimony." (242 So. 3d at 8)

FACTUAL BACKGROUND

Melvin Harris, who had dementia, was admitted to Central Mississippi Medical Center for an altered mental state and combativeness. While hospitalized, he was found on the bathroom floor with a head laceration after being checked approximately twenty minutes earlier. His administratrix alleged that the hospital and its personnel failed to take appropriate safety measures, including preventing him from being left unattended, but did not submit sworn expert testimony establishing the applicable nursing standard of care, breach, or proximate cause.

PROCEDURAL HISTORY

Evelyn Harris sued Jackson HMA and others after Melvin Harris, a hospitalized dementia patient, fell and suffered a head laceration. After discovery, Jackson HMA moved for summary judgment, arguing that Harris lacked sworn expert testimony establishing the medical standard of care, breach, and proximate cause. The county court denied the motion, and the Supreme Court granted Jackson HMA's petition for interlocutory appeal.

DISPOSITION

reversed_and_remanded

CASES CITED

- Crothwait v. Southern Health Corp. of Houston, Inc., 94 So. 3d 1070, 1073-74 (Miss. 2012)
- Caves v. Yarbrough, 991 So. 2d 142, 146 (Miss. 2008)
- Brown v. Collections, Inc., 188 So. 3d 1171, 1177 (Miss. 2016)
- Chase Home Fin., L.L.C. v. Hobson, 81 So. 3d 1097, 1102 (Miss. 2012)
- Sliman v. Nguyen, 22 So. 3d 1173, 1175 (Miss. 2009)
- Douglas v. Great Atlantic & Pac. Tea Co., 405 So. 2d 107, 111 (Miss. 1981)
- Handy v. Madison County Nursing Home, 192 So. 3d 1005 (Miss. 2016)
- Erby v. North Mississippi Medical Center, 654 So. 2d 495, 500 (Miss. 1995)
- Bell v. West Harrison County District, 523 So. 2d 1031, 1033 (Miss. 1988)
- Dialysis Solutions, LLC v. Mississippi State Department of Health, 96 So. 3d 713, 716-17 (Miss. 2012)
- Newell v. State, 308 So. 2d 71 (Miss. 1975)