

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

Adams v. Bassett Healthcare Network

Adams, 2026 NY Slip Op 02706 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CV-25-0867 · Decided April 30, 2026

SUMMARY

The Appellate Division, Third Department, held that two hospital RL6 incident reports were not shown to be protected from discovery under Education Law § 6527 (3) or the Patient Safety and Quality Improvement Act. The court found that the hospital's generalized affidavit and boilerplate confidentiality language did not establish that the reports were prepared for or reviewed in a qualifying medical review process or reported to a patient safety organization. The court modified the lower court's order by granting the plaintiff's motion to compel production of the reports and denying the defendant's cross-motion for a protective order.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Corcoran, J.; Clark, J.P.; Ceresia, J.; Fisher, J.; Powers, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	April 30, 2026
DOCKET	CV-25-0867
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff appealed from an order of Supreme Court, Otsego County, that denied his motion under CPLR 3124 to compel production of two RL6 reports and granted defendant's cross-motion for a protective order.
STANDARD OF REVIEW	The court reviewed the discovery and privilege determination for error as a matter of law, including whether defendant met its burden to establish the asserted statutory privileges.
PRECEDENTIAL VALUE	published
PARTIES	Richard C. Adams v. Bassett Healthcare Network

TOPICS

whistleblower employment law discovery dispute civil procedure appellate procedure

PRACTICE AREAS

employment law health law civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether Bassett established that the two RL6 reports were exempt from discovery under Education Law § 6527 (3).
2. Whether Bassett established that the RL6 reports constituted privileged patient safety work product under the Patient Safety and Quality Improvement Act of 2005.
3. Whether Supreme Court properly denied Adams's motion to compel and granted Bassett's cross-motion for a protective order.

HOLDINGS

1. Bassett failed to establish that the RL6 reports were prepared for, submitted to, or actually reviewed through a medical review or quality-assurance process protected by Education Law § 6527 (3); the reports therefore were not exempt from discovery under that statute.
2. Bassett failed to establish that the RL6 reports constituted privileged patient safety work product because it did not show that the specific reports were actually provided to and reviewed by a patient safety organization.

KEY QUOTATIONS

*"The statutory privilege is designed to "encourage a candid peer review of physicians, and thereby improve the quality of medical care and prevent malpractice, but such protections are not automatically available and do not prevent full disclosure where it should otherwise be provided"" (*1)*

*"[A] party does not obtain the protection of Education Law § 6527 (3) merely because the information sought could have been obtained during the course of a hospital review proceeding[.] . . . The exemption applies only where the information was in fact so obtained"" (*2)*

FACTUAL BACKGROUND

Adams worked as a nursing assistant and technician in Bassett's secure unit for patients with behavioral health and psychiatric conditions. He alleged that Bassett terminated him after he reported unsafe workplace practices and conditions. During discovery, Bassett identified two RL6 reports—one authored by Adams in June 2022 and another authored by a hospital security employee in July 2022—and claimed that both were privileged.

PROCEDURAL HISTORY

Adams brought a wrongful-termination and retaliation action under Labor Law §§ 740 and 741. During discovery, Bassett asserted that two RL6 reports were protected by Education Law § 6527 (3) and the Patient

Safety and Quality Improvement Act. Supreme Court reviewed the reports in camera, denied Adams's motion to compel, and granted Bassett's protective-order motion. The Appellate Division modified the order by reversing those portions and granting the motion to compel as to the RL6 reports.

DISPOSITION

other

REMAND INSTRUCTIONS

The order was modified on the law by reversing the portions that denied Adams's motion to compel production of the RL6 reports and granted Bassett's cross-motion for a protective order; the motion was granted and cross-motion denied to that extent. The order was otherwise affirmed.

CASES CITED

- Katherine F. v. State of New York, 94 N.Y.2d 200, 204 (1999)
- Estate of Savage v. Kredentser, 150 A.D.3d 1452, 1454-1455 (3d Dep't 2017)
- Carter v. County of Erie, 255 A.D.2d 984, 985 (4th Dep't 1998)
- Bellamy v. State of New York, 154 A.D.3d 1239, 1240-1241 (3d Dep't 2017)
- Matter of Coniber v. United Mem. Med. Ctr., 81 A.D.3d 1329, 1330 (4th Dep't 2011)
- Bamberg-Taylor v. Strauch, 181 A.D.3d 432, 433 (1st Dep't 2020)
- Drum v. Collure, 161 A.D.3d 1509, 1510 (4th Dep't 2018)
- DiPasquale v. Lim, 218 A.D.3d 1182, 1183-1184 (4th Dep't 2023)
- Slayton v. Kolli, 111 A.D.3d 1314, 1315 (4th Dep't 2013)
- Brown v. St. Mary's Hosp., 2015 U.S. Dist. LEXIS 179597, *11-*12 (D. Conn. Aug. 26, 2015) (No. 3:14CV228 (DJS))
- Francis v. United States, *6, *21 (S.D.N.Y. May 31, 2011) (No. 09 Civ. 4004 (GBD) (KNF))
- Pal v. New York Univ., *7, *21-*22 (S.D.N.Y. Dec. 10, 2007) (No. 06 Civ. 5892 (PAC) (FM))
- Siegel v. Snyder, 202 A.D.3d 125, 127 (2d Dep't 2021)
- Nowelle B. v. Hamilton Med., Inc., 174 A.D.3d 1345, 1347 (4th Dep't 2019)