

SUPREME COURT OF WISCONSIN

Rechsteiner v. Hazelden, 2008 WI 97

753 N.W.2d 496 (Wis. 2008) · No. 2006AP1521 · Decided July 16, 2008

SUMMARY

The Wisconsin Supreme Court reviewed claims arising from a hospital's referral of a physician to Hazelden for alcohol assessment and treatment, including medical negligence, defamation, and negligent communication of false information. The court held that Hazelden and the Spooner defendants were entitled to immunity under Wisconsin Statute § 146.37 because they participated in the physician's peer review in good faith, and it affirmed the denial of a continuance and the grant of summary judgment.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	David T. Prosser, J.
JURISDICTION	Wisconsin
DECIDED	July 16, 2008
DOCKET	2006AP1521
DISPOSITION	affirmed
PROCEDURAL POSTURE	Review of a published court of appeals decision affirming a circuit court judgment and order that denied Rechsteiner's motion for a continuance, granted defendants' motions for summary judgment, and dismissed the complaint.
STANDARD OF REVIEW	Statutory interpretation and summary judgment are reviewed de novo. A ruling on a motion for a continuance is reviewed for an erroneous exercise of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Hans Rechsteiner v. Hazelden, Spooner Health System, Board of Directors of Spooner Health System, William Stewart, III, Judy Cuskey, Maxine Long, Mike Schafer, ABC Insurance Company, DEF Insurance Company, GHI Insurance Company

TOPICS

health law

medical malpractice

statutory interpretation

summary judgment

appellate procedure

PRACTICE AREAS

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torts

civil procedure

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QUESTIONS PRESENTED

1. Whether Hazelden, an outside addictionology center selected by Spooner, was eligible for immunity under Wis. Stat. § 146.37 as an integral participant in Spooner's medical peer-review process.
2. Whether Hazelden's allegedly negligent diagnosis was immune under Wis. Stat. § 146.37.
3. Whether the court needed to decide whether treatment related to the peer-review process was immune, and whether Rechsteiner's treatment-based claim could survive summary judgment.
4. Whether the actions and statements of the Spooner defendants were immune under Wis. Stat. § 146.37.
5. Whether Rechsteiner presented evidence sufficient to create a genuine issue of material fact regarding the Spooner defendants' good faith.
6. Whether the circuit court erroneously exercised its discretion by denying Rechsteiner's motion for a continuance.

HOLDINGS

1. Hazelden was eligible for immunity under Wis. Stat. § 146.37 because it played an integral role in Spooner's medical peer-review process.
2. Hazelden's diagnosis was immune under Wis. Stat. § 146.37, even assuming the diagnosis was negligent, because the diagnosis was central to the requested peer-review evaluation and was made in good faith.
3. The court did not decide whether treatment related to the peer-review process could qualify for statutory immunity, but held that Rechsteiner's treatment-focused claim could not survive summary judgment because he failed to present evidence that the treatment was improper or would have differed because of the diagnosis.
4. The Spooner defendants' actions and statements were immune under Wis. Stat. § 146.37 because they participated in Rechsteiner's peer review and were presumed to have acted in good faith.
5. Rechsteiner failed to present evidence creating a genuine issue of material fact regarding the Spooner defendants' lack of good faith.
6. The circuit court did not erroneously exercise its discretion by denying Rechsteiner's motion for a continuance.

KEY QUOTATIONS

“Even if we were to assume that Hazelden's diagnosis was negligent, it was immune because it was central to the peer review process.” (512)

“A misdiagnosis, in and of itself, is not, and cannot, be an actionable injury.” (514)

“In enacting this provision, the legislature chose not to distinguish between different classes of persons who enjoy immunity.” (515)

“Refusing to answer a question during a deposition on the advice of counsel does not create a genuine issue of material fact that rebuts the presumption of good faith in § 146.37(1m).” (518)

FACTUAL BACKGROUND

Rechsteiner was a contract general surgeon and was the on-call surgeon for Spooner during a snowmobile accident after which his blood alcohol concentration registered .06 percent. Spooner required him either to take leave or undergo an alcohol assessment and any recommended treatment at an addictionology center, and he underwent assessment and treatment at Hazelden. Hazelden initially diagnosed alcohol dependence and later amended the diagnosis to alcohol abuse; Rechsteiner alleged that Hazelden negligently diagnosed and treated him and that Spooner representatives supplied false information to Hazelden. He claimed lost income and reputational harm but did not allege noneconomic injury.

PROCEDURAL HISTORY

Rechsteiner sued Hazelden for medical negligence based on an alleged misdiagnosis and sued the Spooner defendants for defamation and negligent communication of false information. The Washburn County Circuit Court denied his motion for a continuance and granted summary judgment to all defendants based on statutory immunity under Wis. Stat. § 146.37. The court of appeals affirmed, partly on different grounds, and the Wisconsin Supreme Court granted review and affirmed.

DISPOSITION

affirmed

CASES CITED

- Rechsteiner v. Hazelden, 2007 WI App 148, 303 Wis. 2d 656, 736 N.W.2d 219
- Mallow v. Angove, 148 Wis. 2d 324, 434 N.W.2d 839 (Ct. App. 1988)
- Estate of Boyle v. Wickhem, Buell, Meier, Wickhem & Southworth, S.C., 134 Wis. 2d 214, 397 N.W.2d 124 (Ct. App. 1986)
- Green Spring Farms v. Kersten, 136 Wis. 2d 304, 401 N.W.2d 816 (1987)
- State v. Wedgeworth, 100 Wis. 2d 514, 302 N.W.2d 810 (1981)
- Robertson-Ryan & Assocs., Inc. v. Pohlhammer, 112 Wis. 2d 583, 334 N.W.2d 246 (1983)
- LaRocque v. LaRocque, 139 Wis. 2d 23, 406 N.W.2d 736 (1987)
- Harris v. Bellin Mem'l Hosp., 13 F.3d 1082, 1086-87 (7th Cir. 1994)
- Qasem v. Kozarek, 716 F.2d 1172, 1179 (7th Cir. 1983)
- Limjoco v. Schenck, 169 Wis. 2d 703, 486 N.W.2d 567 (Ct. App. 1992)
- Hofflander v. St. Catherine's Hosp., Inc., 2003 WI 77, 262 Wis. 2d 539, 664 N.W.2d 545

- State ex rel. Good Samaritan Med. Ctr.-Deaconess Hosp. Campus v. Moroney, 123 Wis. 2d 89, 365 N.W.2d 887 (Ct. App. 1985)
- Franzen v. Children's Hosp. of Wis., Inc., 169 Wis. 2d 366, 485 N.W.2d 603 (Ct. App. 1992)
- Ehlinger v. Sipes, 148 Wis. 2d 260, 434 N.W.2d 825 (Ct. App. 1988), aff'd in part and remanded, 155 Wis. 2d 1, 454 N.W.2d 754 (1990)
- McManus v. Donlin, 23 Wis. 2d 289, 127 N.W.2d 22 (1964)
- Paul v. Skemp, 2001 WI 42, 242 Wis. 2d 507, 625 N.W.2d 860
- Torgerson v. Journal/Sentinel, Inc., 210 Wis. 2d 524, 563 N.W.2d 472 (1997)
- Mogged v. Mogged, 2000 WI App 39, 233 Wis. 2d 90, 607 N.W.2d 662
- Jorgensen v. Water Works, Inc., 218 Wis. 2d 761, 582 N.W.2d 98 (Ct. App. 1998)