

COURT WATCH

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Hamrick v. Charleston Area Medical Center

Verdict from the Circuit Court of Kanawha County

On February 7, 2008, a Kanawha County jury awarded a Charleston physician \$25 million in damages. In *Hamrick v. Charleston Area Medical Center*, a physician brought suit against the hospital alleging that the hospital engaged in fraudulent, malicious, and oppressive conduct after denying the physician's right to utilize a self-insurance plan. The hospital alleged that the physician's self-insurance plan did not meet the requirements for a self-insurance plan, as recognized in the Medical Professional Liability Act and in the hospital's professional liability insurance requirement.

In September 2004, the hospital suspended the physician's privileges, claiming that the physician's self-insurance plan did not qualify as liability coverage. The West Virginia Supreme Court of Appeals reinstated the physician four days later, allowing him to practice at the hospital. In 2005, the Circuit Court of Kanawha County decided that the physician's self-insurance plan afforded him the same amount of coverage as a commercial liability insurance plan.

Jurors found that the hospital wrongfully revoked the physician's hospital privileges and damaged the physician's reputation. The jury awarded the physician \$5 million in compensatory damages and \$20 million in punitive damages. The Hospital has indicated it intends to proceed with an appeal.