

HTS has no
statute that protects
peer review.
Other agencies (e.g. DOJ)
also
NACHC should
sue for
protection

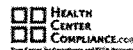
Peer Review Privilege and the FTCA

- University of Pennsylvania v. EEOC, 493 U.S. 182 (1990) – Supreme Court rejects a federal peer review privilege.
- Tucker v. U.S., 143 F. Supp. 2d 619 (S.D. W.Va. 2001) – District Court, in a health center case, declines to find a peer review privilege stating “Whatever degree of confidentiality may also be needed to obtain participation in effective peer reviews can be provided by the courts without imposing inflexible obstacles to their fundamental role of seeking truth and doing justice.
- Sevilla v. U.S., 852 F. Supp.2d 1057 (N.D. Ill. 2012) – district court rules government should recognize Illinois peer review privilege distinguishing the University of Pennsylvania case.



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Statute of Limitations

- U.S. v Kubrick, 444 U.S. 111 – a tort claim accrues at time of injury or when the plaintiff discovers or should have discovered the factual basis for the claim.
- Gonzales v. U.S., 284 F.3d 281 (2002) – a health center case where a plaintiff filed a suit within the MA 3 year statute of limitations. Court holds claim is time barred dismissing plaintiff arguments re: discovery rule, equitable tolling and fraudulent concealment



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