

Connecticut Supreme Court Rules Duty to Inform Rests with Admitting Physicians, Not Hospitals: *Decision has significant implications for hospitals that provide services, products, equipment, and medical devices to doctors*

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NEW HAVEN, CONN. – The Connecticut Supreme Court has found that only admitting physicians, and not hospitals, have the duty to inform patients admitted for surgery of the risks and alternatives. The ruling, which upheld a trial court decision, has broad significance for hospitals that supply services, products, equipment and medical devices to admitting physicians.

The case, *Sherwood v. Danbury Hospital*, involved a 16-year-old girl admitted by her doctor for elective orthopedic surgery in early 1985. The procedure took place one day before the Red Cross began notifying hospital blood banks of its full implementation of HIV testing and recalled untested supplies of blood. The patient discovered she was HIV positive 10 years later and sued the hospital and the admitting physician, who was not a hospital employee, claiming she received HIV-infected blood during the surgery and that both the hospital and physician should have alerted her to the risks and of the option to postpone surgery until after HIV testing was fully implemented.

“The Connecticut Supreme Court has affirmed that the duty to inform rests solely with the admitting physician and upheld the lower court’s entry of a summary judgment dismissing the case against the hospital,” said Jeffrey R. Babbin, a partner in the Appellate Practice Group with Wiggin and Dana LLP (New Haven, Conn.), and lead counsel to Danbury Hospital. “We’re pleased by this result, and for our client. The decision acknowledges that the patient’s physician is best situated to assess and advise the patient and that the hospital should not interfere with that relationship. If the decision had gone the other way, hospitals would be compelled to duplicate physician’s efforts and potentially confuse patients and hinder patient care.”

Babbin is available for interviews.

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