



# Babb v. Geisinger Clinic, 20919 Pa. Super. Unpub. LEXIS 3916 (Penn. Super. Ct.)

Topics Covered: Due Process, Peer Review

## Outcome: Very Favorable

### Issue

The issue in this case was whether a health system properly terminated a physician's employment contract.

### AMA Interest

The AMA believes that physicians should be afforded due process whenever their professional status may be affected for reasons relating to their competence.

### Case Summary

Terrence E. Babb, MD, is an obstetrician/gynecologist. Geisinger Clinic, a large Pennsylvania health system, employed him from September 5, 1995 through May 16, 1997 at Centre County Hospital.

Not long after Dr. Babb started working at Geisinger, interpersonal problems arose between himself and two other OB-GYNs working at the same hospital. The other physicians asserted that Dr. Babb did not work cooperatively with them and he disrupted office procedures. Further, they cited deficiencies in Dr. Babb's patient care, including in his medical record-keeping. Geisinger was unable to resolve the disagreements amicably, and so it asked Dr. Babb to resign his position. Dr. Babb refused to do so, and Geisinger fired him.

Dr. Babb sued Geisinger and the two physicians who had complained about him in state and federal lawsuits. His claims derived primarily from his termination. He asserted, among other causes of action, breach of contract, various conspiracies, defamation, wrongful termination, interference with existing and prospective contractual relationships, and religious discrimination.

For almost 21 years, the lawsuits bounced back and forth between the trial and appellate courts. Eventually, the two defendant physicians were dismissed from the case, the federal court claims were dismissed, and most of the state court claims were dismissed, leaving only the claim based on wrongful termination of Dr. Babb's employment contract.

Dr. Babb proceeded to trial on this one remaining claim. The jury found that he could only be fired for cause and that Geisinger had breached his employment contract by firing him without cause. It awarded him \$5.5 million, and the judge entered judgment on that amount.

Geisinger appealed to the Superior Court, which, in an unpublished opinion, affirmed the judgment in favor of Dr. Babb.

### **Litigation Center Involvement**

The Litigation Center, along with the Pennsylvania Medical Society, filed an *amicus* brief in the Pennsylvania Superior Court to support Dr. Babb. The brief explained why due process should be followed in peer review hearings in order to protect physician rights and to safeguard the integrity of the healthcare system.

Superior Court of Pennsylvania brief.