

3 Cases that cite this headnote

728 So.2d 373
District Court of Appeal of Florida,
Fifth District.

COLUMBIA PARK MEDICAL
CENTER, INC., Petitioner,
v.
Kevin GIBBS, etc., et al., Respondents.

No. 98-2949.
|
March 26, 1999.

In medical malpractice action against medical center arising out of patient's death, patient's husband sought order requiring physicians to produce copies of applications for hospital staff privileges and documents outlining them. The Circuit Court, Orange County, [Joseph P. Baker, J.](#), entered order compelling discovery of documents. Medical center petitioned for writ of certiorari. The District Court of Appeal, [Dauksch, J.](#), held that the applications and documents were not subject to discovery from physicians.

Petition granted; order quashed; and case remanded.

West Headnotes (1)

[1] **Privileged Communications and Confidentiality**
🔑 **Medical or Health Care Peer Review**

311H Privileged Communications and Confidentiality

311HVII Other Privileges

311Hk419 Peer Review Privilege

311Hk422 Medical or Health Care Peer Review

311Hk422(1) In General
(Formerly 410k184(1))

Physicians' applications for hospital staff privileges and documents outlining them were not subject to discovery from them in a medical malpractice suit; rather, privileges for investigations, proceedings, and records of a medical review committee and hospital board protected the applications and documents. [West's F.S.A. §§ 395.0191\(8\), 766.101\(5\)](#).

Attorneys and Law Firms

*374 [Richard B. Schwamm](#), [James S. Haliczer](#) and [Amy D. Shield](#), of Haliczer, Pettis & White, P.A., Fort Lauderdale, for Petitioner.

[H. Clay Parker, IV](#), of Parker, Burke, Landerman & Parker, P.A., Orlando, for Respondents.

Opinion

[DAUKSCH, J.](#)

This is before the court as a petition for writ of certiorari seeking to have this court quash an order of production of documents for discovery in a lawsuit.

The documents essentially are the same which this court considered in [Columbia Park Medical Center, Inc. v. Gibbs](#), 23 Fla. L. Weekly D2362, 723 So.2d 294 (Fla. 5th DCA 1998), and for that reason, if not for any other, the trial judge has erred, at least, in ordering the production, and respondents' attorney is unmindful of his duty to the court, at least, in again seeking the production. The discovery order quashed in the earlier certiorari proceeding involved a request from an employee of Columbia to produce:

A copy of any documents provided to Drs. Arnold Einhorn and Louis Kantounis outlining privileges currently held at defendant hospital.

The discovery order in this certiorari proceeding involves requests from Drs. Einhorn and Kantounis to produce:

1. Copies of any and all documents provided to you by Columbia Park Medical Center outlining privileges currently held at Columbia Park Medical Center from 1993 to the present.
2. Copies of any and all applications for staff and/or clinical privileges provided by you to Columbia Park Medical Center.

The documents sought are essentially the same. Although sought from different sources, they are privileged and

protected from discovery under [sections 766.101\(5\) and 395.0191\(8\), Florida Statutes.](#)

HARRIS and **PETERSON, JJ.**, concur.

PETITION GRANTED; ORDER QUASHED;
REMANDED.

All Citations

728 So.2d 373, 24 Fla. L. Weekly D821

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