

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

ROBERT L. BARTO, Executor of : No. 01-00665
the Estate of Lois M. Fry :
Barto, Deceased :
 :
Plaintiff :
 :
vs. : Civil Action - Law
 :
RANA COLALANNI, CRNP; :
DR. DAVID AMBROSE, M.D.; :
LOYALSOCK FAMILY PRACTICE; :
and SUSQUEHANNA HEALTH :
SYSTEM, :
Defendants : Motion to Extend Discovery

ORDER

AND NOW, this 20th day of February 2003, the Court DENIES the Plaintiff's Motion to Extend Discovery. Plaintiff's counsel seeks to conduct discovery regarding the Williamsport Hospital's policies and procedures for certified registered nurse practitioners. The decedent, however, never went to the Williamsport Hospital; she went to Loyalsock Family Practice. Therefore, the Court finds the policies and procedures are not relevant to this case.

Plaintiff's counsel argues the policies and procedures of the hospital are relevant because Dr. Ambrose was familiar with these policies and procedures as the head of Williamsport Hospital's family practice residency

program. Plaintiff's counsel further asserts Dr. Ambrose was negligent for not having the same or similar policies and procedures in place for Nurse Colaianni while she was working at Loyalsock Family Practice. In the amended complaint, plaintiff's counsel pleads the lack of policies and procedures under a corporate negligence theory against the Susquehanna Health System. This theory is no longer in the case, though. Partial summary judgment was entered in the System's favor with the agreement of plaintiff's counsel because corporate negligence applies to hospitals and HMOs, not clinics or practice groups. Plaintiff's counsel did not plead a theory regarding the lack of policies and procedures against Dr. Ambrose.¹ The only theory pled against Dr. Ambrose is that he was negligent in his supervision or monitoring of the care and treatment Nurse Colaianni rendered to the decedent or, if he supervised or monitored Nurse Colaianni's treatment of the decedent, Dr. Ambrose was negligent in failing to refer the decedent to the proper specialist for cardiac evaluation and testing. With respect to Defendant Ambrose, the lack of policies and procedures is a new theory. Since the statute of limitations has run in

¹ Plaintiff's counsel argued Dr. Ambrose was responsible for formulating policies and procedures for Nurse Colaianni under 49 Pa.Code §18.62. Even if this assertion is true, this theory is not pled in the amended complaint.

this case, plaintiff cannot assert such a new theory against Dr. Ambrose. Absent such a claim against Dr. Ambrose, the policies and procedures of the Williamsport Hospital are neither relevant nor likely to lead to the discovery of relevant information in this case.

By The Court,

Kenneth D. Brown, Judge

cc: Clifford Rieders, Esquire
David Bahl, Esquire
Robert Seiferth, Esquire
Gary Weber, Esquire (Lycoming Reporter)
Work File