

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TIMOTHY W. PACKARD and CONNIE S. PACKARD,	:	
Plaintiffs	:	DOCKET NO. 11-01,726
	:	
vs.	:	CIVIL ACTION –
	:	MEDICAL
MARK A. RACKISH, M.D., and WEST BRANCH	:	PROFESSIONAL
ORTHOPEDECS & SPORTS MEDICINE, INC.,	:	LIABILITY ACTION
Defendants	:	

ORDER

AND NOW, this ___ day of October, 2012, following oral argument on Defendants' preliminary objections filed on August, 20, 2012, it is hereby ORDERED and DIRECTED that Defendants' objections are SUSTAINED. Typically, corporate liability is not extended to physician practice groups. *Sutherland v. Monongahela Valley Hosp.*, 856 A.2d 55, 61-62 (Pa. Super. Ct. 2004); *Barto v. Colalanni*, No. 01-00665 (Lycoming County Feb. 19, 2003). *See generally Thompson v. Nason Hosp.*, 591 A.2d 703 (Pa. 1991) (where our Superior Court adopted the theory of corporate liability as to hospitals). Our Superior Court has held that in order for corporate liability to attach to non-hospitals, the defendant must provide comprehensive health care to its patients. *See Scampono v. Grane Healthcare Co.*, 11 A.3d 967, 976 (Pa. Super. Ct. 2010) (holding that corporate liability can be extended to nursing homes); *Hyrca v. West Penn Allegheny Health Sys., Inc.*, 978 A.2d 961, 982-83 (Pa. Super. Ct. 2009) (holding that corporate liability can be extended to health care organizations). In this case, Plaintiffs do not dispute that West Branch Orthopedics & Sports Medicine, Inc., is merely a practice group; it is not a comprehensive health care provider nor is it analogous with a hospital in the level of care provided to its patients. Therefore, any claims of corporate negligence against that entity cannot stand. Count II of the Amended Complaint is hereby STRICKEN.

Defendant Dr. Rackish shall file an answer to the amended complaint within twenty (20) days.

BY THE COURT,

Richard A. Gray, J.

RAG/abn

cc: Robert Hoffa, Esq./Todd Leta, Esq.
C. Edward Mitchell, Esq./Jessica Harlow, Esq.
Gary L. Weber, Esq.