

No Jurisdiction in Medical Malpractice Plaintiff's Home State

9 Mar 2022

The Health Law Practice Group recently secured dismissal for a local hospital sued in Plaintiff's home state on jurisdictional grounds.

The patient sued a facility with offices located in D.C., Maryland, and Virginia. Plaintiff filed suit in his home state of Pennsylvania claiming his injury manifested there. However, the care at issue was rendered in Maryland weeks before any injury manifested. Plaintiff claimed the Maryland provider's failure to diagnose was exacerbated by subsequent events occurring in Pennsylvania.

In denying general personal jurisdiction over the provider, the Pennsylvania court found regular treatment of Pennsylvania residents at D.C., Maryland, and Virginia facilities did not constitute a continuous, systematic business in Pennsylvania. The court also denied specific personal jurisdiction under the Pennsylvania Long Arm Statute which provides that personal jurisdiction may lie where a harm or tortious injury suffered in Pennsylvania is caused by an act or omission elsewhere. The court reasoned that the alleged misdiagnosis and failure to treat happened outside of Pennsylvania at the point of care.

The court agreed with J&C's lawyers that the hospital lacked sufficient minimum contacts with Pennsylvania to satisfy Due Process. The court properly rejected Plaintiff's claim that knowing treatment of patients living in Pennsylvania was a purposeful contact with the Commonwealth of Pennsylvania. The court cited public policy, observing "the idea that tortious rendition of medical services is a portable tort which can be deemed to have been committed wherever the consequences were foreseeably felt was wholly inconsistent with the public interest having services of this sort generally available."

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