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Arkansas Business News Story

Judge Rules Against Baptist Health

By [Mark Friedman](#)

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A U.S. District Court judge ruled Friday that Baptist Health's insurance carrier doesn't have to cover the hospital's legal bills in a lawsuit involving a group of doctors who had a financial stake in another hospital.

Platte River Insurance Co. sued Baptist Health in 2007 and said Baptist "was required but failed to disclose information that adoption of an [economic credentialing] Policy may lead to claims against it," the order said.

The policy that was adopted in 2003 led to a lawsuit in Pulaski County Circuit Court in 2004. A group of doctors who were partners in the Little Rock Cardiology Clinic P.A. and owned 14.5 percent of Arkansas Heart Hospital in Little Rock sued Baptist, alleging the hospital canceled their privileges in an attempt to limit competition. Baptist lost that case in February.

Platte said that because of Baptist's misrepresentation, it shouldn't have to cover the hospital's losses associated in defending the claim. Baptist filed a counterclaim against the insurance carrier in an attempt to have the policy enforced.

Before the case went to trial, both sides filed motions for summary judgment.

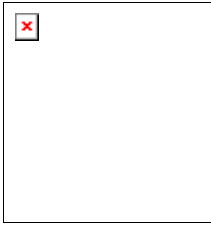
U.S. District Court Judge Susan Webber Wright granted Platte's motion and denied Baptist Health's.

"Baptist Health adopted the [economic credentialing] Policy knowing that similar policies adopted by other hospitals had led to litigation," Wright said in her ruling. "No reasonable person would not foresee that adoption of Baptist Health's [economic credentialing] Policy in these circumstances may give rise to or result in a claim - claims that were indeed filed."

Wright ruled that Platte can recover the money it gave Baptist in connection with the lawsuit against the doctors. The order didn't say how Platte paid Baptist.

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Wright, though, did award Baptist Health a refund on the premiums it paid Platte.

"The policy is rescinded as if it were never in effect," she wrote.

A spokesman for Baptist Health said the hospital will evaluate the ruling to determine its next step.

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