Physicians Sued for Failing to Report Suspicions about Colleague Who Was Molesting Patients

The Case

Attorneys for the Delaware state medical society and a Delaware hospital reached a $123 million settlement agreement to resolve a class action lawsuit brought against a pediatrician who sexually abused patients for more than a decade and the colleagues and hospital where he had medical privileges who failed to report the abuse, according to an October 10, 2012, Associated Press article published in the Morning Call (Allentown, Pennsylvania). The former pediatrician was arrested in December 2009 when a young girl told her mother after an office visit that he had hurt her. Investigators searched the office complex and seized homemade videos that showed children, most of them toddlers, being molested. The provider was convicted last year by a judge who viewed more than 13 hours of videos showing sex crimes against more than 80 victims. The provider waived his right to a jury trial and pleaded guilty after the judge denied a motion to suppress the video evidence on the grounds that it had been illegally seized. The former pediatrician is serving 14 life sentences for child rape. Under the terms of the settlement, $123 million will be put into a trust fund to benefit victims of the abuse. The fund primarily comprises insurance proceeds with an additional cash contribution from the medical center. Defendants in the lawsuit included the medical center where the pediatrician practiced, the Medical Society of Delaware, and five physicians accused by the plaintiffs of not reporting their suspicions about the clinician. Investigations ordered by Delaware’s governor and attorney general after the pediatrician’s arrest found that medical society officials, individual physicians, and the Delaware Department of Justice violated state law by not reporting possible unprofessional behavior to the medical licensing board. The state medical board was also criticized for failing to act on information that it did receive about the pediatrician. State lawmakers later
passed several bills that would tighten the regulation of physicians and clarify obligations of medical and law-enforcement personnel to communicate about suspected physician misconduct and child abuse.

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