

system did not subject it to punitive damages under Pennsylvania law. I also determined that “it is possible to read the [Second Amended] complaint as subjecting Defendant hospital to punitive damages for the failure of responsible persons to follow the [hospital’s] established rules and regulations.” Lee v. Abington Memorial Hosp., 2000 WL 962823, *5 (E.D.Pa., Jun 30, 2000). Because the question of whether the conduct of the Defendant hospital’s personnel was so extreme as to be outrageous under Pennsylvania law remained in dispute, I denied the motion for partial summary judgment and granted the Plaintiffs leave to file a Third Amended Complaint that set forth facts giving rise to a claim for punitive damages against the Defendant hospital.

Plaintiffs subsequently filed a Third Amended Complaint wherein they set forth the facts that allegedly support their claims for punitive damages. In the Third Amended Complaint, Plaintiffs aver that the Defendant hospital’s policies and procedures require its personnel to offer uninsured patients a choice regarding their treatment; they can choose to pay for treatment from an attending physician or they can opt for treatment by a supervised resident at no additional cost. (Pls.’ Compl. at ¶72). Plaintiffs further aver that Defendant Abington hospital’s personnel failed to extend these treatment options to Ms. Lee prior to her appendectomy and this failure constituted a reckless disregard for Ms. Lee’s health and well-being. (Id. at ¶¶ 73-74). Thus, in their Third Amended Complaint, Plaintiffs conclude that the Defendant hospital’s failure to train its personnel to implement its policies, and failure to take adequate measures to enforce its policies, provides evidence of its reckless disregard for the health and well-being of its patients. Id. According to the Plaintiffs, all of these facts taken together provide adequate support for a claim for punitive damages under Pennsylvania law. Id. at ¶¶ 77).

DISCUSSION

In a Rule 12(b)(6) motion, the court evaluates the merits of the claims by accepting all allegations in the complaint as true, viewing them in the light most favorable to the plaintiffs, and determining whether they state a claim as a matter of law. See In re Burlington Coat Factory Securities Litigation, 114 F.3d 1410, 1420 (3d Cir.1996). In its current Motion to Dismiss, Defendant hospital essentially argues that violation of an internal hospital policy does not amount to outrageous or reckless conduct and therefore cannot form the basis of a punitive damages claim. (Def.'s Mem. in Supp. of Mot. to Dismiss at 7). Defendant hospital further argues that the hospital cannot be vicariously liable for punitive damages unless it was aware of outrageous conduct on the part of its personnel and failed to take measures to stop it. Id. at 8.

Viewing the facts set forth in the Plaintiffs' Third Amended Complaint as true and in the light most favorable to them, I find that Plaintiffs have sufficiently stated a claim for punitive damages against Defendant Abington Hospital. Therefore, the Motion to Dismiss will be denied.

CLIFFORD SCOTT GREEN, S.J.