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Doctor Wins \$4.75 Million in Defamation Suit Against Hospital

Alicia Gallegos
January 28, 2020

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An ob.gyn. accused of being under the influence while on the job has prevailed in her defamation and fraud lawsuit against an Indiana hospital.

Jurors awarded Carmel, Ind.-based ob.gyn. Rebecca Denman, MD, \$4.75 million in damages against St. Vincent Carmel Hospital and St. Vincent Carmel Medical Group on Jan. 16, 2020, after a 4-day trial in Indiana Commercial Court. Dr. Denman sued after the hospital and medical group took a series of actions in response to a nurse practitioner's claim that Dr. Denman smelled of alcohol while on duty. The doctor's lawsuit alleged the NP's claim was unproven; that administrators failed to conduct a proper peer-review investigation; and that repercussions from the false allegation resulted in lost compensation, out-of-pocket expenses, emotional distress, and damage to her professional reputation.

Indianapolis attorney [Kathleen DeLaney](#), who represented Dr. Denman in the case, said that her client was pleased with the verdict.

"Dr. Denman feels vindicated that a group of jurors spent 4 days listening to all the evidence and gave her a resounding victory," she said in an interview.

Dr. Denman declined to comment for this story through her attorney.

In a statement, a spokesman for Ascension, the hospital's parent company, said the hospital was disappointed by the verdict and that it was "exploring all options available to us, including appeal." The spokesman declined to answer further questions about the case or its peer-review process.

The case stems from an NP's claim that Dr. Denman's breath smelled of alcohol during an evening shift on Dec. 11, 2017. Dr. Denman was not informed of the allegation on Dec. 11 and was not tested for alcohol at the time, according to Dr. Denman's lawsuit. Under hospital policy, if a physician is suspected of being under the influence of alcohol at work, the employer must immediately assess the doctor, relieve the doctor of duty, and request the physician submit to immediate blood testing at an external facility.



Kathleen DeLaney, attorney for Dr Rebecca Denman



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The NP reported the allegation to her supervisor through an email on Dec. 12, 2017. The supervisor relayed the information to the hospital's chief medical officer who met with other administrators and physicians to discuss the claim. During the discussions, a previous concern about Dr. Denman's drinking was raised, according to deposition information included in court documents. In 2015, two physicians had suggested Dr. Denman consider an assistance program after expressing concerns that she was arriving late to work and missing partner meetings. At the time, Dr. Denman did not enter an assistance program, but she changed her drinking habits, began seeing a therapist, and started arriving on-time to work and to partner meetings, according to court documents. No other criticism or complaints regarding her drinking or workplace behavior had been reported since, according to court documents.

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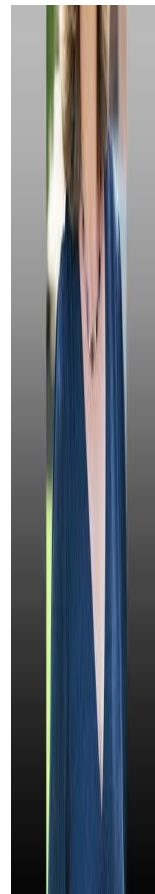
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