

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

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Case No. 12-CP-22-1004  
Appellate Case No. 2015-000331

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**RECEIVED**

AUG - 4 2015

**S.C. Supreme Court**

Nadene Holliday, Individually and as Personal  
Representative of the Estate of David Holliday, ..... Appellant,

v.

Waccamaw Community Hospital and Kent M.  
McGinley, M.D., ..... Defendants,

Of whom Waccamaw Community Hospital ..... Respondent.

Of whom Waccamaw Community Hospital ..... Respondent.

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF  
RESPONDENT**

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Pursuant to Rules 240 and 213 of the South Carolina Appellate Court Rules, the South Carolina Hospital Association (“the Hospital Association”) hereby moves the Court for leave to file a brief as *amicus curiae* in support of Respondent currently pending before this Court in this matter. The Hospital Association is a private, non-profit organization representing over 90 member hospitals and health systems in South Carolina. The Hospital Association was created in 1921 to serve as the collective voice of the state’s hospital community. The mission of the Hospital Association is to support South Carolina hospitals in addressing the health care needs of South Carolinians through advocacy, education, networking and regulatory assistance. Its members practice in

multiple fields of healthcare specialization, and it is the largest healthcare-related society in South Carolina.

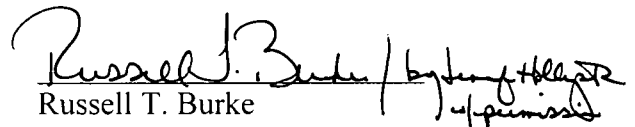
The Hospital Association's members have long recognized that effective peer review is paramount to ensuring and improving the quality of health care for all patients in the hospital setting. The correlation between effective peer review and quality is recognized throughout the United States. The peer review process requires that physicians with hospital privileges participate in the ongoing evaluation of the competence of fellow practitioners. To ensure effective peer review, the process must provide a forum that assures open, frank and critical discussion and evaluation regarding the practitioners who are under review. Logically, the facilitation of such candid discussions and evaluations requires that the process remain confidential.

The Hospital Association contends that the Appellant's invitation for this Court to adopt a negligent credentialing cause of action is contrary to the Peer Review statutes and the caselaw interpreting the former statute. Further, it would negatively impact the ability of hospitals in South Carolina to utilize peer review to improve quality because this ruling will chill hospital employees and physicians' willingness to engage in open, frank and critical discussions and evaluations because they will lose confidence that the judiciary will protect the confidentiality of the process that the General Assembly deemed critical when enacting and amending the Peer Review statute.

The interest of the Hospital Association in this case is to preserve the integrity of the confidential peer review process. The Hospital Association is in the unique position to provide information relating to the negative impact that negligent credentialing claims would have on the confidential peer review process. Thus, pursuant to Rule 213, SCACR,

the Hospital Association submits that the Court would benefit from its unique role as a representative of its numerous health care institutions that are involved with peer review on a daily basis.

For the foregoing reasons, the Hospital Association respectfully requests that the Court grant leave to file a brief as *amicus curiae*. A copy of the proposed *amicus curiae* brief is attached hereto, and is being filed conditionally with this motion in accordance with South Carolina Appellate Rule 213.

  
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August 3, 2015

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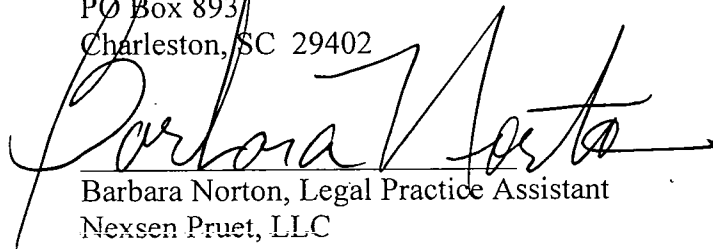
Of whom Waccamaw Community Hospital ..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the foregoing Motion For Leave to File Brief as *Amicus Curiae*, and Conditional Brief, on the Appellant and the Respondents by depositing a copy of same in the United States Mail, postage prepaid, on **3<sup>rd</sup> of August, 2015**, addressed to its attorneys of record as follows:

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