

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

RONALD GREEN AS THE EXECUTOR	:	No. 89 EAL 2014
OF THE ESTATE OF JOSEPH FUSCO,	:	
	:	
Petitioners	:	Petition for Allowance of Appeal from the
	:	Order of the Superior Court
	:	
v.	:	
	:	
	:	
PENNSYLVANIA HOSPITAL AND	:	
CONTRIBUTORS TO PENNSYLVANIA	:	
HOSPITAL AND STELLA BARBER, RN	:	
AND SYLVIA AQUINO, RN AND LORI	:	
YAKISH, RN AND KELLY A. CARR, RRT	:	
AND JAMES KEARNEY, MD AND	:	
STEVEN A. GLASSER, MD AND JOHN	:	
D. SPRANDIO, JR., MD AND BORA LIM,	:	
MD AND EUGENE M. LUGANO, MD	:	
AND ANTHONY GIORGIO AND LORI J.	:	
RHOADES,	:	
	:	
Respondents	:	

ORDER

PER CURIAM

AND NOW, this 20th day of August, 2014, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- (1) Where a physician provides emergency treatment at the request of a hospital for a person who was not previously the physician's patient, and does so negligently thereby causing the patient's death, may the patient's estate reach the jury on a claim that the hospital is vicariously liable under a theory of ostensible agency for the negligent conduct of that physician because a reasonably prudent person in the patient's position would be justified in the belief that the care in question was being rendered by the hospital or its agents?

- (2) Whether this Court's statement in footnote 8 of its ruling in Freed v. Geisinger Medical Center, 971 A.2d 1202, 1212 n.8 (Pa. 2009) -- that MCARE's limitation on who may provide causation testimony in a medical professional liability action against a physician does not apply where an expert witness nurse is testifying in support of a liability claim against a nurse -- permits an expert witness nurse to provide causation testimony solely on a claim against a nurse defendant in a suit where the plaintiff has also sued the doctors alleging further injuries stemming from the doctors' additional acts of negligence?