

Except for four limited factual scenarios in which a hospital has a recognizable “legal duty,” Tennessee has not recognized a doctrine of corporate negligence that allows *direct* liability to be established against a hospital. Bryant v. McCord, 1999 WL 10085, \*11 (Tenn. App. 1999) vacated by Bryant v. HCA Health Services of Tennessee, Inc., d/b/a Centennial Medical Center, 15 S.W.3d 804, 810-811 (Tenn. 2000) (vacating Court of Appeals ruling and affirming Trial Court’s dismissal on duty to obtain informed consent) (a copy is included within the Appendix). The only four legal duties a hospital has are to use reasonable care (1) to maintain their facilities and equipment in a safe condition, (2) to select and retain only competent physicians, (3) to supervise the care given to patients by hospital personnel, and (4) to adopt and enforce rules and policies designed to ensure that patients receive quality care. Bryant, 1999 WL 10085 at 11. During trial, the Trial Court granted a directed verdict to the Hospital on any claims related to the first, second, and third of these four legally recognizable duties. The only claim of direct liability against the Hospital that survived the Motion for Directed Verdict was that the Hospital purportedly did not use reasonable care “to adopt and enforce rules and policies designed *to ensure that patients receive quality care*” (italics added).

Again, the Jury’s findings establish that none of the health care providers involved with Mr. Barkes’ Emergency Department presentation negligently caused Mr. Barkes’ death. Similarly, the evidence at trial established that Policy No. 001-02-005 was written prior to the implementation of using Nurse Practitioners in the Emergency Department, that the actual practice of using Nurse Practitioners in the Emergency Department had been approved, in place, and utilized for approximately