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Center Booted Doctor Who Raised Safety Issues, Suit Says

By **Grace Elletson**

Law360 (January 31, 2023, 9:53 PM EST) -- A doctor alleged that she was pushed out of her job at a cancer center after she raised concerns about repeat patient safety issues, and that the facility paid male doctors more than their female colleagues, according to her suit filed Tuesday in New York federal court.

Anne Grand'Maison said the Buffalo, New York-based Roswell Park Comprehensive Cancer Center and its executives violated state employment law and the federal Equal Pay Act. She said she was pushed into a resignation she didn't agree to out of retaliation for flagging cases demonstrating a supervisor's serial diagnosis and treatment errors.

"Roswell Park Comprehensive Cancer Center has put numerous patients in serious danger, let alone failed to adhere to basic patient safety standards and completely violated the Hippocratic oath to its patients — and then fired the doctor, plaintiff Anne Grand'Maison, M.D., who blew the whistle on this egregious conduct," Grand'Maison said in her complaint.

Grand'Maison said she began working for the center in November 2016 as an assistant professor of oncology in the center's sarcoma division. She said about half of her time was dedicated to clinical work and the other half would be dedicated to research at the center, which is the only comprehensive cancer center in upstate New York, according to its website.

She said she was the center's first medical oncologist with a subspecialty in sarcoma, a type of tumor that arises in bones and connective tissues. Grand'Maison said she began clashing with one senior vice president during Tumor Board sessions — a space where doctors reviewed and discussed the diagnosis and treatment of patients, and where feedback and different ideas were typically welcome.

On multiple occasions, the senior vice president would interrupt her during these sessions, talk down to her and dismiss her ideas, she said. Outside of these sessions, Grand'Maison also said this executive regularly blocked her requests to send pathology samples for second opinions to confirm the accuracy of diagnoses to establish accurate treatment plans, a behavior that put patients at risk.

Grand'Maison also alleged that this vice president repeatedly made mistakes that derailed patients' courses of treatment. In one instance, she said, he failed to notify her that a patient's diagnosis had changed, prompting the patient to receive a type of chemotherapy that was significantly more toxic than what was needed.

The executive also complained that Grand'Maison struggled to work collegially with her colleagues, which prompted her five-year probationary employment period to be extended by one year, according to the suit. She said she was also accused of creating "significant dysfunction" within her team through poor interactions she had with colleagues in her probation evaluation.

In January 2022, Grand'Maison said, she told a practice plan coordinator over email that her husband was planning to relocate to Canada and that she planned to move to the country with him, making her end date May 1. But Grand'Maison said she was ultimately incorrect, and that her husband soon after confirmed to the center that he was not relocating.

In March, Grand'Maison approached a supervisor with concerns about the senior vice president's repeated patient care mistakes, and said that she would submit nearly 20 cases for review where he

misdiagnosed patients, according to the suit. The day after she emailed the supervisor stating that she was rounding up the cases, Grand'Maison said, she received an email stating that her notice of resignation had been accepted.

Grand'Maison said she learned that the hospital interpreted her communication about her husband's potential relocation as a resignation. She said she attempted to rescind the so-called resignation letter after explaining that it was a mistake, but a supervisor ultimately denied her request, stating that the resignation would be upheld because she struggled to be collegial with colleagues.

"Coming just days after extensively documenting serious patient safety concerns, it was clear that the January 4th email was a pretext to get rid of her," Grand'Maison said.

Grand'Maison also alleged that the hospital paid her less than male doctors with the same level of skill and experience. She pointed to one male doctor with the same credentials and experience who made \$360,000 while she said she made \$260,000.

Attorney David E. Gottlieb, who represents Grand'Maison, told Law360 that the cancer center has a duty to protect doctors who report safety concerns.

"Roswell's decision to fire Dr. Grand'Maison for having the courage to blow the whistle on this conduct constitutes an outrageous and unacceptable affront on all patients, employees and the public," Gottlieb said.

A Roswell Park representative said in a statement provided to Law360 that the center denies Grand'Maison's "unfounded" claims and that it plans to "vigorously defend itself."

"Our physician experts not only adhere strictly to national best practices in the diagnosis and care of patients with sarcoma, they determine and disseminate the standards of appropriate medical care as lead authors of national guidelines," the representative said.

Grand'Maison is represented by David E. Gottlieb and Laura E. Edidin of Wigdor LLP.

Counsel information for the cancer center was not yet available.

The case is Grand'Maison v. Roswell Park Comprehensive Cancer Center et al., case number 1:23-cv-00099, in U.S. District Court for the Western District of New York.

--Editing by Leah Bennett.