

Torts case study examples

[Life](#), [Death](#)



Torts Exercise—Fall 2013

1.) Issue: Is Dr. Intenzio liable for selecting Madison Outpatient Pharmacy?

Rule: Under the principle of negligence, the law requires evidence that must show that there was a specific duty on the part of Dr. Intenzio to provide care for Adam and that he breached the duty of care, which resulted to actual and the proximate cause of Adam's death. As a result, it entitled the estate of the deceased to recover for damages for failure of the parties to present an adequate defense.

Application: In the case of Dr. Intenzio, he has the duty to provide care for Adam he is a pediatric grown specialist and holds private practices at his clinic. A physician-patient relationship was created when he accepted Adam in his clinic and agreed to diagnose him if he might be a candidate for growth hormone therapy. As Adam's physician, he has the duty of care and responsibility to treat the patient in accordance with standards of acceptable medical practice which shall continue until the relationship terminated whether the patient has been cured or dies (Pozgar 33). He is liable for selecting Madison Outpatient Pharmacy to supply the prescriptions given to Adam. He is bound by the negligence of the pharmacy for administering the overdose prescription of 57.5 grams instead of 5.75 grams.

Conclusion: Dr. Intenzio owes the duty of care to Adam as his patient and has the obligation to conform to the recognized standard of care for being a pediatric grown specialist. The professional standard of care requires that a physician is duty-bound to use reasonable and ordinary care, skill, and diligence as physician in good standing in the same neighborhood, who is in the general line of practice to normally exercise in similar cases (Pozgar 33).

There was breach of duty on the part of the physician when he failed to check if the correct dosage was administered by Madison Outpatient Pharmacy to his patient, which later became the cause of his death. Such act of the doctor shows that he acted unreasonably, making him liable for medical malpractice (Morrison 254).

2.) Issue: Whether or not Cissy Farmer is liable for incorrectly filling the prescription?

Rule: Under the principle of “ negligence”, a defendant is liable on the basis of: 1. Duty of care; 2.) breach of duty; 3.) Injury and 4.) Causation.

Application: In the case of Cissy Farmer, as the pharmacy which processed the prescription of Adam to provide the correct dosage of the medicines prescribed. For incorrectly filling the dose of 57. 5 grams instead of 5. 75 grams only, it caused the death of Adam. In effect, the pharmacy is liable for providing the incorrect dosage to Adam.

Conclusion: In this case, Cissy Farmer, as the pharmacy which supplied the prescription shall be jointly liable for the death of Adam due to negligence.

3.) Issue: Whether or not Madison Outpatient Pharmacy is vicariously liable for the Joan Farmer’s actions?

Rule: Under the principle of “ Respondeat superior”, the employer shall be liable for the actions of it employees when there is evidence which will show that a tort had taken place, and that party who is responsible for the tort is an employee or agent of the defendant who acted within the scope of his/her employment.

Application: In this given case, Madison Outpatient Pharmacy is vicariously liable for negligent act of its employee, Joan Farmer since she acted within

the scope of her authority when she prescribed the medicine to the patient. It was clearly shown that Joan Farmer acted as an employee/agent of Madison Outpatient Pharmacy when she gave the wrong dosage to the patient, which caused his death.

Conclusion: Madison Outpatient Pharmacy is vicariously liable for damages for the negligent actions of its employee Joan Farmer.

4.) Issue: Whether or not Dane County Medical Center (DCMC) is liable for its own actions related to having proper policies?

Rule: Under the principle of negligence, the law requires evidence showing that there was a specific duty, breach of that duty, actual and proximate causation, damages and a lack of an adequate defense.

Application: In the case of DCMC, there was no showing that it acted negligently when the patient was admitted in its emergency room, where Adam was later on pronounced brain dead.

Conclusion: Dane County Medical Center (DCMC) is not liable for the death of Adam since there were no illegal policies that were violated when the patient Adam was admitted in the emergency room, where he was declared to be brain dead.

Works Cited:

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Morrison, Alan B. Fundamentals of American Law. New York: Oxford

Pozgar, George. Legal Aspects of Health Care Administration.

Ontario: Jones and Bartlett, 2011. Print.

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