

# Free case study about false positive

[Law](#), [Criminal Justice](#)



## Other

19th May, 214

Ans1. The West Virginia's Supreme Court of Appeals ruled that the plaintiff had stated a claim for the negligent infliction of emotional distress. AIDS is a serious disease and is like a slow death to the person and is emotional trauma even for the family. Court's findings are appreciable as the physician who has committed this gross act of negligence should have been penalized and plaintiff who suffered emotional distress can ask for compensation in the form of cash or kind. In the worst case, physician's license can be cancelled, prohibiting him to continue with the laboratory services.

Ans2. The case was instituted by one person but it could be the plea of many others. Many people must have undergone similar tests, and they might be living under constant threat of AIDS, undergoing regular treatment for the disease they don't have, using medications and waiting for their death.

There are chances that many other people must have also got wrong report. Plaintiff might suffer from the nervous breakdown that is a civil tort and punishable in court. If this same reasoning is applied to hundred cases at one hospital laboratory then it is against professional ethics. The Laboratory shall not only be sealed, and physician's license shall be cancelled. It will also lead to marring of the goodwill of the hospital and a detailed investigation can be held to check further loopholes in the working of the hospital. Hospital has to face charges and it will be obligatory for them to pay compensation to the plaintiffs that will result in financial loss for the hospital. Poor quality service will not only defame the hospital, but it will also attract charges and fines from the court as no professional code of conduct were followed. In the worst

case court can even cancel the license of the hospital and stop its operations on the request of many plaintiffs.

Ans3. Acquired Immuno Deficiency Syndrome (AIDS) is the most dreaded disease in America. It is caused by transfer of semen, blood transfusion, affected mother to children, etc. It is important to maintain the confidentiality of the information, but most important is the reliability of the tests or the results of the report. According to the case mentioned the plaintiff got the test done and is informed that he was HIV positive, but he got the tests again from different laboratory and twice he was confirmed negative. Out of sheer negligence of the laboratory physician, the plaintiff suffered emotional trauma and stress. Such negligence or candid acknowledgment is fatal for the person, and he might suffer a nervous breakdown and it will also have lethal affects on his family as well. Measure should be taken by the hospital concerns and physicians while preparing reports of such serious diseases. Professional code of conduct should be followed by the hospital authorities and employ technically qualified and proficient people. The laboratory attendants should spend optimum time scrutinizing the test results and should not forget that, it is his responsibility towards the mankind to give authentic and genuine information after crosschecking the results. Medical is a noble profession and its sanctity should be maintained by following the ethical and legal rules and policies. If the person responsible has not taken proper measures to make a report and has candidly acknowledged the happening of such a serious disease then, plaintiff has the right to claim for damages caused by the negligence of the laboratory. License of the attendant in practice can be cancelled;

laboratory shall be sealed or taken under the custody of the court till the time defendant does not pay for the damage. It is the liability of the defendant to pay for the emotional distress suffered because of his negligence and plaintiff can claim for damages in the form of cash or kind and even plea for cancelling the license of a physician.