

Health care law

Law



Question # 2 Ms. Gona has multiple causes of action that she can claim. There are many factors in this case that showed medical malpractice. Dr. Mark Mewerds should not be a factor, since he was only the referring physician, he did not partake in the surgery.

Dr. Maxx could be held liable for negligence because he removed the mole from the wrong arm, He failed to conduct a biopsy scan to ascertain if the lump was cancerous. Perhaps if the diagnose was made earlier, Ms. Gona's cancer would not have metastasized, removal of the lump may not have been medically necessary and alternative treatment may have been available. In addition, Dr. Maxx could be accused of misrepresentation. Dr. Maxx stated that her arm would be good as new. She can argue that statement was the basis for hiring Dr. Maxx and that was the determining factor.

Dr. Dewey Wright should not be held liable, since he followed procedure and did everything he could have humanly done. He discovered the cancerous mole and provided various treatments.

Question # 5

Connie arrived at Smallville General hospital ER via the local police. They took her in because she was disheveled, urinating and defecating on herself. She was calling out to passersby " You are the devil and I am going to stick my knife in your chest." The SBH doctor refused to treat her stating that his hospital did not accept involuntary psychiatric patients. He advised the police to take her to Metropolis Psychiatric without given proper cause. Under the law, hospitals can deny admission if they are not properly staffed or equipped for psychiatric patients. To me there could be a liability issue for SBH.

<https://assignbuster.com/health-care-law-essay-samples/>

However, SBH can argue that it was acting with the patient's best interest at heart. It was beneficial for her to go to the other hospital. Doctor could use that defense that upon the brief contact with the patient he evaluated her and there were no signs of an emergency that would prevent her from taking the 75 miles drive to the other hospital.

Connie was admitted to MPC and was forcibly administered medication. She was released after a week to the streets of Metropolis. MPC had the right to admit her and treatment, because she was a danger to her self and others. Based on her condition when she was picked up she clearly could not provide the bare necessities for herself.

They kept her against her will for 1 week. MPC could be potentially held liable because state statutes typically allow for involuntary detention of psychiatric patients for a limited period ranging from 48-72 hours.

Furthermore, they can be liable too for abandonment claim. Connie's condition will be aggravated by the discharge because she requires further medical help. But MPC can say that they acted in good faith.

Question # 6

I don't think that SGH is liable for any wrongdoing in dealing with Mr. Mentalis son. They acted in the best interest of the child. The hospital does not need to obtain parental consent when they are trying to save a life. None is necessary for medical emergency, especially when the patient is a minor, physicians and hospital staff should make a reasonable effort to save their lives.

Mr. Mentalis in-laws claimed that their daughter would not want to live under those circumstances. She stated so, prior to this incident. Mr. Mentalis defense is that the wife was a Jehovah witness and based on her belief she

<https://assignbuster.com/health-care-law-essay-samples/>

would not want to determinate her life under any circumstances. He believes her choice would be to remain on respirator and feeding tube. The courts believe the choice between life and death is a deeply personal decision.

Question # 7

Ms. Singh's cause of action can start with sexual harassment in the workplace. Dr. Maxx's actions taken as a whole can be seen as sexual harassment because he did it on several occasions. Unwanted advances at work could be viewed as being uncomfortable and a hostile work environment many can be view this act as another cause of action.

Smashville failed to protect her and addressed her concern. She complained to the Administrator, but no action was taken, therefore Ms. Singh can add that Bew Rocat failed to perform her duties as the hospital administrator. Finally, assault and battery existed, because those acts were done without Ms. Singh permission or consent.

Dr. Max could argue in his defense that he was merely trying to get Ms. Singh to go out on a date with him and had no intent to harass her. He was simply expressing his feelings with no ill intent.

Smashville General Hospital could say that Dr. Max was not an employee of the hospital and that they are not liable and have not partaken in his personal life. They can also claim not to have known about the incident, since Mr. Singh only reported it to the administrator.

Bew Rocat can claim not to have known that action was required since Dr. Max was not employed by the hospital. She could also argue that Ms. Singh took several days prior to her reporting the incident. Additionally, Ms. Singh did not ask make a formal complain, she was simply venting.