

Medical law and ethics



Chapter 4 Review Applying Knowledge: 1. As employers, physicians have general liability in what three areas? The Practice's Building and Grounds, Automobiles and Employee Safety. 2. According to the reasonable person standard, a person may be charged with negligence if someone is injured because of failure to perform an act that a reasonable person in similar circumstances would perform, or if an act is committed that: a reasonable person would not commit. . To whom is duty of care owed? Nonpatients (pg. 94) 4. If a custodian sues an employing physician for ordering her to lift a heavy bookcase that injures her back, is the issue of liability standard of care or duty of care? Duty of Care 5. What is the basis for most medical malpractice claims? High damage awards in tort cases have led to a malpractice insurance crisis for physicians. 6. A patient falls on a hospital's slippery tile floor and injures herself. Assuming that patient safety procedures were lax, what two undesirable occurrences could result for the hospital? . List and describe the four Ds of negligence. Duty – the person charged with negligence owed a duty of care to the accuser. Dereliction – The health care provider breached the duty of care to the patient. Direct Cause – The breach of the duty of care to the patient was a direct cause of the patient's injury. Damages – There is a legally recognizable injury to the patient. 8. When a patient sues a physician for negligence, who has the burden of proof, the plaintiff or the defendant? The person bringing the lawsuit (plaintiff) are the ones who have to prove their case. . In a case in which a patient sues a physician, the patient is called the _plaintiff_ and the physician is called the _defendant_. 10. Why are expert witnesses often required in a medical negligence lawsuit? They are the only ones who can establish the standard of care for the defendants' area of medicine. 11.

When is the doctrine of res ipsa loquitur applied? When the mistake is so obvious that negligence is obvious. Because the fact that a mistake was made is not debatable. 12. Explain the status of expert witnesses in cases in which res ipsa loquitur is applied.

The act of negligence must obviously be under the defendant's control. The patient must not have contributed to the act. It must be apparent that the patient would not have been injured if reasonable care had been used. 13. Monetary compensation awarded by a court of law is called? Damages 14. Why might a medical assistant purchase a professional liability insurance policy separate from the employer's policy? In order to provide themselves with supplemental coverage in case the employers insurance policy is insufficient. 15.

A court order for an individual to appear in court is called a(n) subpoena, and an order for bringing certain records is called a subpoena duces tecum and an order to appear in court to defend yourself is a summons. 16. What is the difference between a deposition and an interrogatory? A deposition is when a lawyer questions the witnesses aloud and under oath. An interrogatory are when the questions are wrote out and answered on paper, still under oath. In some cases, the depositions can also be presented in written format. 17. Define the two types of depositions that might be taken prior to a medical malpractice lawsuit.

Witnesses and Plaintiff's medical expert 18. As a health care practitioner asked to testify, are you more likely to give factual or expert testimony? Why? If you are testifying in your area of expertise, it would be factual. 19.

Define alternative dispute resolution. List and define two commonly used ADR methods. Is a settlement of civil disputes between parties using neutral mediators or arbitrators without going to court. Mediation and Arbitration.

Mediation is an ADR method in which a neutral third party listens to both sides of the argument and then helps resolve the dispute.

An Arbitration is a method of settling disputes in which the opposing parties agree to abide by the decision of an arbitrator. 20. As a health care

practitioner, can you legally and ethically use any title you want? Explain your answer. No, because healthcare practitioners usually refers to the

doctors, physicians, physicians assistants and Nurse practitioners. Use the professional title commensurate with your education and experience. 21.

Define res ipsa loquitur. Literally, “ the thing speaks for itself”; a situation that is so obviously negligent that no expert witnesses need be called. Also

known as the doctrine of common knowledge. 2. Explain what legal action may be taken if you are subpoenaed to appear in court as a witness or to

give a deposition and you fail to appear. Failure to appear will subject you to punishment for contempt of court. 23. What is the result if you are the

plaintiff or the defendant in a lawsuit and you fail to appear in court? If you are the plaintiff and you don't show up, your case gets dismissed. If you are

the defendant the court has the ability to sanction you and a warrant will be issued for your arrest. 24. C 25. B 26. C 27. A 28. A 29. C 30. C 31. B 32. A

33. C 34. C 35. A 36. D 37. C Case Study: 38.