Medical Malpractice Law and Litigation

**CHAPTER ONE QUIZ**

**True/False**

1. The element of forseeability requires a health care provider to anticipate every possible outcome of his or her conduct.
2. The majority of jurisdictions now apply the locality rule as the standard of care for health care professionals.
3. Res ipsa loquitur can be applied in cases of negligence where the evidence of causation is inaccessi-ble to the plaintiff.
4. A patient who can prove the elements of an intentional tort by a health care provider is entitled to recovery, regardless of whether any damage was suffered.
5. Strict liability is used only in products liability cases.

**Multiple Choice**

1. Documentation of the fact that a physical therapist knew or should have known that forcing a patient into physical movement for treatment of an injury before tests confirming the nature and extent of the injury were complete would be evidence of the element of
   1. foreseeability.
   2. damage.
   3. res ipsa loquitur.
   4. the extent of duty.
2. Dr. J was a small-town optometrist whose entire practice consisted of the diagnosis of basic levels of sight, as well as prescribing eyeglasses and contact lenses. All conditions suspected of disease were referred to an ophthalmologist who had a medical degree and specialized training. However, on one occasion Dr. J treated a long-time patient who had developed eye problems and prescribed eye patches and antibiotic ointments. In actuality, the patient suffered from a rare form of cancer of the eye. In reliance on Dr. J’s skills, the patient sought no other treatment. The patient died as a result of the cancer. Dr. J could likely be sued for
   1. intentional tort of abandonment.
   2. negligence.
   3. strict liability.
   4. None of the above.
3. Hospital X was sued for the negligence of its nursing staff, when on a particular shift, six visitors were allowed to visit a patient, though the hospital’s policy is no more than two visitors per patient. As a result of the crowd, additional chairs were brought into the room from a waiting area and a chair was accidentally placed with the leg blocking off an IV line supplying medication to the patient. The patient developed complications from the lack of medication and ultimately was forced to spend significant additional time in the hospital as a result. Under the claim of negligence, the plaintiff must prove the nursing staff
   1. knew or should have known there was a likelihood of injury to the patient.
   2. knew or should have known there was a substantial certainty that the patient would suffer injury.
   3. acted with reckless disregard for the safety of patients.
   4. was responsible for the injury to the patient regardless of whether it was intended or not.

* **CHAPTER 1**

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1. Karen suffered a fall and went to an emergency room for treatment. Her diagnosis was a compound fracture of the left arm. She was taken to surgery. The fracture was set, and while under anesthesia, her arm was placed in a cast. After leaving, she followed all directions given by the treating physician. After six weeks the cast was removed and it was obvious that the arm was grossly deformed. Karen’s best option would be to file an action using which theory?
   1. Strict liability
   2. Negligence
   3. Negligence with res ipsa loquitur
   4. Intentional tort
2. Mike S. is a respiratory therapist who provides care at several different hospitals. He works subject to a biannual contract approximately two days per week at each hospital for a fee based on the number of patients for which he provides treatment. He receives no employee benefits, and for tax purposes no taxes are withheld. He claims himself as self-employed on his tax return. He pays for a policy of liability insurance. When he is at work, he is directed to the particular patients and provides the treatments recommended by the physician orders in the hospital chart. He is fully responsible for providing the treatment and charting the patient response to treatment. He generally provides treat-ments without supervision or presence of hospital personnel or physicians. If he were sued for mal-practice in delivery of services, Mike’s employment status would most likely be that of
   1. physician employee of the physician of the patient.
   2. hospital employee.
   3. independent contractor.
   4. None of the above.
3. A legal theory that imposes liability on those who are engaged in ultrahazardous activity is known as
   1. gross negligence.
   2. intentional tort.
   3. contractual liability.
   4. strict liability.
4. A legal theory that imposes liability based on a willful failure to provide care, treatment, or services as promised in exchange for payment would be considered
   1. negligence.
   2. strict liability.
   3. contractual liability.
   4. intentional tort.
5. A legal theory that holds an employer responsible for the tortious acts of an employee is known as
   1. strict superior liability.
   2. respondeat superior.
   3. contractual employer liability.
   4. None of the above.
6. Negligence does not require proof of
   1. breach of the standard of care.
   2. proximate cause.
   3. compensatory damage.
   4. foreseeable, substantial certainty of injury.
7. Res ipsa loquitur is the legal theory applied exclusively to cases involving
   1. defective medical products.
   2. intentional tort.
   3. negligence.
   4. respondeat superior.

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**CHAPTER ONE ANSWER KEY**

1. False
2. False
3. True
4. False
5. False
6. C
7. B
8. A
9. C
10. C
11. D
12. C
13. B
14. D
15. C