Medical Malpractice Law and Litigation

**CHAPTER THREE QUIZ**

**True/False**

1. Respondeat superior can be applied in cases of criminal conduct done by a subordinate employee.
2. It is possible for a health care provider to provide care, treatment, and services and not create a pro-fessional relationship with a patient.
3. JCAHO is the federal law that protects patients’ rights of confidentiality.
4. Hospitals are generally immune from liability under the doctrine of charitable immunity.
5. Someone who is injured in a fall on the property of a medical facility due to an unsafe condition can sue for malpractice.

**Multiple Choice**

1. A couple engaged to be married plans to move out of state immediately after the wedding. As part of the preparations, the man stops by his fiancée’s doctor’s office to pick up a copy of her medical records. The receptionist provides him with a copy of the records. The woman has not signed a release for her records but the fiancé says he will ask her to stop by and do so later in the day. This transaction is
   1. acceptable since the records were provided to a family member.
   2. acceptable only if the woman in fact signs the release.
   3. a breach of confidentiality.
   4. acceptable since it was not the physician who released the records.
2. Two friends are on a cross-country camping trip when one friend becomes ill. She is admitted to a small hospital in a rural area. She is comatose. The physician explains to the ill woman’s friend that because the ill woman has hepatitis C and is HIV-positive, she should be airlifted to a facility with more resources for treatment. The friend consents to the transfer. He was unaware of his friend’s health status prior to this conversation. The physician’s communication
   1. is a breach of confidentiality.
   2. is an exception to the rules of confidentiality.
   3. would have been acceptable only if it had been the woman’s husband rather than her friend.
   4. is only acceptable if the woman later signs a release that permitted the disclosure to her friend.
3. A woman and her fiancé are on a cross-country camping trip when the woman becomes ill. She is admitted to a small hospital in a rural area. She is comatose. The physician explains to the fiancé that because the woman has hepatitis C and is HIV-positive, the physician wants to consult with another doctor at an urban hospital about treatment options. The fiancé wants no one to know about the woman’s health status and he refuses. The physician makes the consultation anyway. The physician’s communication
   1. is a breach of confidentiality.
   2. is an exception to the rules of confidentiality.
   3. would have been acceptable only if the other doctor had been part of the same medical practice.
   4. is only acceptable if the woman later signs a release that permitted the disclosure to the second physician.
4. The HIPAA (Health Insurance Portability and Accountability Act)
   1. applies only to disclosures by insurance companies.
   2. applies only to disclosures to insurance companies.
   3. applies only to disclosures between insurance companies.
   4. None of the above.

1. A medical practice patient is routinely late paying for services, is rude to the office staff, and is late to scheduled appointments. Because no payment for services has been made in nearly a year, the office manager sends a registered letter to the patient stating that the medical practice will be no longer responsible for the patient’s care. The day after the letter is received, the patient suffers a heart attack and the hospital notifies the medical practice. No member of the practice will attend the patient because the practice takes the position it is no longer responsible for the patient’s care. The action of the medical practice would likely be considered
   1. an ethical violation and legal abandonment.
   2. appropriate.
   3. an ethical violation.
   4. legal abandonment.
2. The insurance company that insures a health care provider who uses his or her professional position to sexually molest a patient
   1. may avoid providing coverage under a malpractice policy.
   2. must provide coverage under a malpractice policy.
   3. is relieved of providing coverage under a malpractice policy only if the conduct is found to be unethical.
   4. None of the above.
3. An act by a health care professional during the delivery of care, services, or treatment can result in which of the following?
   1. Professional discipline
   2. Criminal prosecution
   3. Civil suit
   4. All of the above
4. The theory that one health care professional can be held legally liable for the acts of another health care professional is based on the law of
   1. strict liability.
   2. res ipsa loquitur.
   3. respondeat superior.
   4. sua sponte.
5. A non-physician health care provider may
   1. not be held liable under a medical malpractice statute.
   2. not be held liable for medical malpractice.
   3. be held liable under a medical malpractice statute.
   4. None of the above.
6. A health care provider generally is not liable for the act of a subordinate health care professional if the act is
   1. an intentional tort.
   2. negligent.
   3. subject to a medical malpractice statute.
   4. All of the above.

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**CHAPTER THREE ANSWER KEY**

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