Medical Malpractice Law and Litigation

**CHAPTER SIX QUIZ**

**True/False**

1. A statute of repose is intended to provide a balance between the plaintiff’s right to sue for injuries caused by a defendant and the allowance of potential defendants to have some finality to the win-dow of opportunity for claims against them.
2. A discovery rule is not generally applied unless one of two circumstances can be proven.
3. Fraudulent concealment is used to extend a statute of limitation.
4. The discovery rule describes the time allowed to parties for discovery of evidence once legal action has commenced.
5. JCAHO has issued a requirement that defendants in malpractice cases must submit evidence of unexpected results to affected patients.

**Multiple Choice**

1. Competence of a plaintiff in a medical malpractice case does not usually consider
   1. if there has been an adjudication of incompetence by a court of law.
   2. if there has been an administrative finding of incompetence such as through an application for Social Security benefits.
   3. if qualified medical professionals have rendered an opinion of incompetence on the part of their patient.
   4. All of these factors may be considered.
2. A statute of limitations
   1. determines the time frame for bringing suit against a defendant.
   2. determines the time frame for obtaining a judgment against a defendant.
   3. determines the time frame for discovering a cause of action.
   4. None of the above.
3. Statutes of limitations in medical malpractice cases are
   1. the same for all plaintiffs in all jurisdictions.
   2. the same for adults and minors but different for those without mental competence.
   3. the same for all defendants in all jurisdictions.
   4. subject to challenge when the defendant has concealed evidence.
4. The discovery rules states that the statute of limitations begins to run
   1. when the plaintiff had constructive knowledge of the cause of action.
   2. when the defendant had constructive knowledge of the cause of action.
   3. on the date of the alleged injury.
   4. None of the above.
5. The discovery rule may be used to
   1. shorten the statute of limitations.
   2. extend the statute of limitations.
   3. eliminate the statute of limitations.
   4. All of the above.

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**Fill in the blank**

1. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ affects the length of time until the statute of limitations expires based on the plaintiff’s awareness of a cause of action.
2. Statutes with absolute time frames not subject to tolling by application of a discovery rule are known as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. Special statutes of limitations in medical malpractice cases are often applied to cases involving

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or those subject to a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is what a party knew or should have known.
2. When a defendant actively attempts to prevent a plaintiff from becoming aware of a legal cause of action, it is known as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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**CHAPTER SIX ANSWER KEY**

1. True
2. False
3. True
4. True
5. True
6. D
7. A
8. D
9. A
10. B
11. discovery rule
12. statutes of repose
13. minors, mental disability
14. Constructive knowledge
15. fraudulent concealment