

# ***LEGAL MEDICINE 2005***

## **CONTINUING MEDICAL EDUCATION QUESTIONS**

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Answer all 20 questions below. Each question has only one correct answer.

1. Patient medical records are always considered to be private protected documents which cannot be seized with a search warrant, even in circumstances of criminal investigation.
  - A. True
  - B. False
  
2. A physician assumes a legal duty to provide a patient with reasonable medical care based on
  - A. Medicare regulations.
  - B. Hospital by-laws.
  - C. A recognized physician-patient relationship.
  - D. General principles of the "Good Samaritan."
  
3. Under the legal doctrine of "*res ipsa loquitur*" the plaintiff must show that the instrumentality was in the exclusive control of the defendant, that the plaintiff did not contribute to the adverse outcome, and that
  - A. The manufacturer issued an express warranty.
  - B. The injury does not occur in the absence of negligence.
  - C. The physician was grossly incompetent.
  - D. The insurer gave prior authorization.
  
4. Under the "common knowledge doctrine," experts are unnecessary as the case involves matters within the jurors' general knowledge.
  - A. True
  - B. False
  
5. To date, courts have gone in several directions regarding the standard of care for residents. Those standards include all of the following except
  - A. The standard of a general practitioner.

- B. The standard of a fully trained specialist.
  - C. An intermediate standard for residents.
  - D. The standard of a medical student.
6. A successful plaintiff must prove the traditional elements of negligence which include all of the following except
- A. Duty to perform in an acceptable manner.
  - B. A breach of the standard of care.
  - C. A causal relationship between the breach of duty and the injury to the plaintiff.
  - D. Criminal activity by the defendant physician.
7. According to the National Practitioner Data Bank 2003 Annual Report, how many medical malpractice payment reports are related to interns and residents?
- A. 1,686
  - B. 204
  - C. 897
  - D. None
8. In *Jistarri v. Nappi*, the Superior Court of Pennsylvania applied which standard of care to medical residents?
- A. No standard of care.
  - B. An “Intermediate” standard of care that was higher than that of a general practitioner and less than that for a fully trained specialist.
  - C. The standard of care of a 3<sup>rd</sup> year medical student.
  - D. The standard of care of a fully trained board certified practitioner.
9. The annual number of retained foreign bodies estimated to be accidentally left in patients after surgery in the United States is
- A. Less than 100.
  - B. 1,500
  - C. More than 20,000
  - D. 18,760
10. Medical consequences of retained foreign bodies can include
- A. Small bowel fistula.
  - B. Visceral perforation.
  - C. Sepsis.
  - D. All of the above.
11. The Association of periOperative Registered Nurses (AORN) recommends
- A. Utilization of magnets to remove sharps.
  - B. Four separate counts.
  - C. One count of sharps only at the conclusion of surgery.
  - D. None of the above.
12. In a retained item case, the statute of limitations does not start to run until the patient has

- discovered that an item was retained.
- A. True
  - B. False
13. Credentialing involves obtaining, verifying, and assessing the qualification of a health care practitioner to provide patient care services.
- A. True
  - B. False
14. In privileging, the health care organization
- A. Relies primarily on NBME or USMLE percentile ranking.
  - B. Restricts consideration to medical licensure verification.
  - C. Authorizes a specific scope and content of patient care services for a practitioner.
  - D. Warrants that a practitioner will not engage in negligent patient care practices.
15. A Credentials Verification Organization (CVO) can do all of the following except
- A. Provide applicant with the application for appointment and privileges.
  - B. Enter data from the application into the credentials file.
  - C. Verify selected data from primary and additional sources.
  - D. Assess completed, verified data.
16. A Health Care Organization can delegate its health care practitioner appointing authority
- A. To a certified CVO.
  - B. To any nearby tertiary care hospital.
  - C. To Medicare in the case of geriatric medicine only
  - D. To no other entity.
17. Chronic pain patients
- A. Are often in denial.
  - B. Often suffer sleep deprivation.
  - C. Often manifest symptoms of depression and anxiety.
  - D. All of the above.
18. When educating chronic pain patients about their condition, it is important to consider
- A. Their intelligence.
  - B. Their education level.
  - C. Their social background.
  - D. All of the above.
19. During their career, one in three physicians will be involved in some type of litigation.
- A. True
  - B. False
20. The approximate number of medical malpractice claims resulting in payment to the claimant is
- A. One in ten.

- B. One in five.
- C. One in three.
- D. One in twelve.