

LEGAL MEDICINE 2004

CONTINUING MEDICAL EDUCATION QUESTIONS

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

1. Allegations of substandard care in medical malpractice claims related to the diagnosis and treatment of appendicitis might typically include all of the following except
 - A. Failure to perform a rectal examination.
 - B. Failure to observe the patient with repeat examinations.
 - C. Failure to obtain a surgical consultation.
 - D. Failure to perform serial neurologic exams.

2. The most common cause of litigation against general surgeons is missed breast cancer following by
 - A. Missed or delayed diagnosis of appendicitis.
 - B. Negligent hernia repair.
 - C. Failure to diagnose melanoma.
 - D. Negligent cholecystectomy.

3. Which of the following could represent a significant legal defense in a lawsuit for failure to diagnose appendicitis?
 - A. Failure of patient to comply with prompt follow-up care if symptoms persist or worsen.
 - B. Absence of surgical consultant due to a charity golf tournament.
 - C. Slightly atypical patient presentation.
 - D. None of the above.

4. Providing the best possible care to the patient with acute appendicitis includes which of the following?
 - A. Obtaining a complete history.
 - B. Obtaining early surgical consultation.
 - C. Maintaining a high index of suspicion.
 - D. All of the above.

5. When telepathology involves the use of static images, which of the following is false?
 - A. The consultant must rely on the submitting pathologist to choose the right objective to view any particular field.
 - B. The consultant has easy access to look at different areas of the pathology and does not have to rely solely on what is shown in the transmitted images.
 - C. A digital camera is used to capture gross and microscopic images.
 - D. The images can be submitted to a remote pathologist through most Internet mail servers as an e-mail attachment.

6. Dynamic and hybrid telepathology systems permit the consultant to examine all of the tissue present on any particular slide.
 - A. True
 - B. False

7. Telepathology effectively eliminates the potential for error.
 - A. True
 - B. False

8. Which of the following statements regarding liability issues for pathologists is not true?
 - A. Errors in the area of phlebotomy are not of concern to the pathologist.
 - B. It is essential that laboratories involved in telepathology cases “identify the case appropriately.”
 - C. Submitting a case that is not properly labeled may be considered a serious act of omission no matter what means of transmission is used.
 - D. If the case is outside the capabilities of the pathologist, there may be a duty to consult.

9. A physician could be liable for patient abandonment if he or she withdraws from the patient’s care
 - A. After being dismissed by the patient.
 - B. Abruptly, without adequate excuse or sufficient notice.
 - C. After giving reasonable notice, thereby enabling the patient adequate time to secure another physician.
 - D. All of the above.

10. In order for a physician’s negligent infliction of emotional distress to be actionable, family members
 - A. Must have read of the negligence in a local newspaper.
 - B. Must have been totally surprised to learn of the negligence within 2 years of the incident.
 - C. Must have a contemporaneous sensory awareness that the negligent medical treatment is causing injury.
 - D. Must produce videotape of the actual negligent act.

11. Informed consent requires that a physician provide the patient with

- A. Sufficient risk-benefit information to decide whether or not to undergo a procedure.
 - B. A description of every possible method available to perform the procedure.
 - C. Statistical data on the physician's success rate compared to the success rate of similar specialists in surrounding states.
 - D. At least one recent medical journal article authored by a recognized expert in the field.
12. Under the "learned intermediary doctrine," the general rule is that barring unusual circumstances it is the physician, not the pharmacist, who bears the responsibility to warn the patient of medication side effects in light of the patient's history and current medical condition.
- A. True
 - B. False
13. In general, to report to or query the HIPDB an entity must be a federal or state government agency or a health plan, but health care practitioners, providers, or suppliers can request information about themselves.
- A. True
 - B. False
14. Federal and state licensing and certification agencies must report to HIPDB final adverse licensure actions taken against health care practitioners, providers, or suppliers.
- A. True
 - B. False
15. Medical malpractice awards are reportable only to the NPDB, rather than the HIPDB.
- A. True
 - B. False
16. The HIPDB is a tool that can be used nationwide to prevent health care fraud.
- A. True
 - B. False
17. According to JCAHO's second Sentinel Event Alert, the major root cause leading to wrong site surgery is
- A. Incomplete pre-operative assessment.
 - B. A breakdown in communication between the surgical team and the patient and his or her family.
 - C. Distraction factors.
 - D. Reliance solely upon the surgeon to identify the correct site.
18. The New York State Department of Health in its Preoperative Protocols recommended that the circulating nurse ensure that
- A. The correct patient is in the room and the surgeon has signed the consent form.
 - B. The correct surgical site and side has been marked, with relevant radiological

- films available.
 - C. The surgeon, anesthesia, and circulating nurse have verified and agreed upon the planned procedure.
 - D. All of the above.
19. The AORN suggested checklist for identifying the correct surgical site by the circulating nurse should include documentation of
- A. Verbal communication between the nurse, the patient, and the patient's family or significant others.
 - B. A review of the medical record, including the consent form, for consistency.
 - C. Direct observation of the marked surgical site.
 - D. All of the above.
20. The legal doctrine of *res ipsa loquitur* usually applies when the subject matter of the case is within the common knowledge of the jury.
- A. True
 - B. False