

LEGAL MEDICINE 1998

CONTINUING MEDICAL EDUCATION QUESTIONS

THIS DOCUMENT SHOULD BE USED AS A PREVIEW OF QUESTIONS PRESENTED ON THE ACTUAL FINAL EXAM! PLEASE DO NOT ATTEMPT TO MAIL THIS DOCUMENT WITH PAYMENT FOR CME. YOU MUST REGISTER WITH AskAFIP AND COMPLETE THE FINAL EXAM AND PAYMENT (IF APPLICABLE) ON-LINE TO BE AWARDED CME CREDIT FOR THIS ACTIVITY.

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

1. How many **medical malpractice** payment reports were submitted to the National Practitioner Data Bank between September 1, 1990 and December 31, 1996?
 - A. 29,332
 - B. 81,255
 - C. 59,984
 - D. 118,211
 - E. 145,299

2. Between September 1, 1990 and December 31, 1996 how many malpractice payment reports submitted to the National Practitioner Data Bank were made on behalf of allopathic interns or residents?
 - A. 12,126
 - B. 1,322
 - C. 904
 - D. 496
 - E. 631

3. The most expensive malpractice act or omission category in the National Practitioner Data Bank is:
 - A. Obstetrics-Related.
 - B. Medication-Related.
 - C. Surgery-Related.
 - D. Diagnosis-Related.
 - E. Equipment-Related.

4. In 1996 how many dollars were paid out for malpractice according to the National Practitioner Data Bank?
 - A. \$1 billion
 - B. \$2 billion
 - C. \$3 billion

- D. \$3.6 billion
 - E. \$5.6 billion
5. Automated Pap smear rescreening:
- A. Represents a low-cost, effective way to identify mainly high-grade cervical lesions.
 - B. Generally identifies low-grade lesions and carriers with it a significant monetary cost.
 - C. Is expected to dramatically reduce invasive cervical cancer in the general population.
 - D. All of the above.
 - E. None of the above.
6. According to the court's holding in *Ray v. American Red Cross*:
- A. Juries composed of non-physicians are not capable of arriving at conclusions regarding medical negligence claims.
 - B. The Good Samaritan Law immunizes volunteers from legal liability in all 50 states.
 - C. Claims of negligence should be based on a uniform standard of conduct of reasonable care under the circumstances.
 - D. Failure to utilize automated Pap smear rescreening represents actionable negligence.
 - E. All health maintenance organizations (HMOs) must utilize automated Pap smear rescreening techniques within a specified time frame.
7. Currently, in most jurisdictions, a medical malpractice case claiming a failure to offer automated Pap smear rescreening would not be successful because:
- A. State laws generally prohibit malpractice cases based on the "failure to do something" as opposed to those cases based on "affirmative or direct" actions.
 - B. Automated Pap smear rescreening is rejected by all medical professionals as an unscientific diagnostic tool.
 - C. No insurance company currently reimburses physicians for this test, so it cannot be part of the standard of care.
 - D. Corporate "direct-to-consumer" advertising campaigns have made it impossible to develop a fair and impartial jury by instilling fear that manual screening alone is insufficient.
 - E. None of the above.
8. It is safe to treat anemia with features of iron deficiency with iron replacement without fully evaluating the gastrointestinal tract for an occult source of blood loss.
- A. True
 - B. False
9. Colorectal cancer is the third most common cancer and will have accounted for approximately how many deaths in 1997?
- A. 25,000

- B. 15,000
 - C. 79,000
 - D. 33,000
 - E. 55,000
10. The cure rate of lesions involving only the mucosa (Stage 1 Dukes Disease) is:
- A. 50%.
 - B. 75%.
 - C. Less than 10%.
 - D. 25%.
 - E. Greater than 90%.
11. The common complaint of shoulder pain at times can present a significant medicolegal risk because the actual underlying condition may be:
- A. A pulmonary embolus.
 - B. Rupture of a diverticulum.
 - C. Neoplastic disease.
 - D. Cardiovascular disease.
 - E. All of the above.
12. *Evans v. Rite Aid Corporation* stands for the proposition that:
- A. Pharmacists are always free to disclose detailed information to the general public regarding the reason that customers have been prescribed certain medications.
 - B. Pharmacists must not fill certain prescriptions when they hold shares of common stock in the actual drug manufacturer.
 - C. Pharmacists do have a duty to conform to the generally recognized and accepted practices in their profession.
 - D. All of the above
 - E. None of the above.
13. Which of the following is true about malpractice?
- A. To prevail against a malpractice suit, a doctor must demonstrate the degree of care ordinarily exercised by a reasonably skillful, careful and prudent health care professional engaged in similar practice under the same or similar circumstances.
 - B. A doctor must always perform according to the highest standards, as defined by the respective specialty board.
 - C. A doctor must practice according to the standards set by the nearest university center.
 - D. A doctor must practice according to the guidelines set by major malpractice insurers.
 - E. There is no legal test for malpractice. The judge determines whether to pay a case based on personal perceptions only.
14. CCQAS is expected to:
- A. Provide timely access to the credentials of thousands of privileged providers.
 - B. Insure accountability for credentials management throughout Military Health

- Services (MHS).
- C. Increase the deployment readiness of the Military Health Services (MHS).
 - D. Provide accurate provider information to leaders and planners at all levels of command.
 - E. All of the above.
15. CCQAS was developed in response to:
- A. Several serious deficiencies in the Department of Defense credentialing processes which were highlighted by the Persian Gulf conflict and drew upon the efforts of a Tri-Service credentials working group.
 - B. Technological advances in visual communication, allowing the projection of high resolution visual images from outlying clinics and community hospitals to large medical centers.
 - C. Language differences impairing cooperation between health care providers from different nations during international relief efforts.
 - D. All of the above.
 - E. None of the above.
16. The United States Constitution specifically provides that Congress has the authority to:
- A. Regulate health care.
 - B. Regulate intrastate and interstate commerce.
 - C. Regulate interstate commerce.
 - D. Regulate state activity.
 - E. Regulate all agricultural activities.
17. Internationally, telehealth is being practiced:
- A. Widely in about 192 different nations.
 - B. Widely by the U.S. Department of Defense.
 - C. Using robotic surgery.
 - D. By the Joint Commission on Accreditation of Health Care Organizations.
 - E. Everywhere except Great Britain which specifically prohibits all telemedicine activities.
18. The American Medical Association supports a limited restricted federal license to practice telemedicine.
- A. True
 - B. False
19. Recent findings of valvular heart disease among Fen-Phen diet drug users has led to:
- A. A U.S. Supreme Court ruling allowing uniform compensation of all Fen-Phen users, as long as minimal changes are demonstrated on serial echocardiograms.
 - B. A Congressional resolution calling for the federal withdrawal of all other diet aids, based on the federal power to regulate interstate commerce.
 - C. Permanent FDA approval.
 - D. All of the above.
 - E. None of the above.

20. Potential defendants in future Fen-Phen litigation include:
- A. Drug manufacturers which produced and marketed the medications.
 - B. Individual physicians who actually prescribed the diet medications.
 - C. Weight-loss centers which advertised the availability and efficacy of such diet pills, in conjunction with existing weight-loss programs.
 - D. All of the above.
 - E. None of the above.