

LEGAL MEDICINE 2006
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. *Res judicata* serves to
 - A. Exempt Good Samaritans.
 - B. Preclude future litigation between the same parties on the same cause of action.
 - C. Immunize allied health care personnel
 - D. All of the above.

2. Courts generally hold that adherence to the requisite standard of care requires follow-up of abnormal radiologic studies.
 - A. True
 - B. False

3. Adverse clinical results, in and of themselves, imply negligence.
 - A. True
 - B. False

4. Informed consent requires the physician to advise the patient of
 - A. The nature of the procedure or treatment.
 - B. Any reasonable alternatives.
 - C. The known inherent risks of the procedure.
 - D. All of the above.

5. The Cesarean delivery rate increased in the 1960s and 1970s as obstetricians sought to avoid cerebral palsy by timely delivery of infants in “fetal distress.”
 - A. True
 - B. False

6. The *Daubert* and *Frye* cases
 - A. Represent advances in tort reform.

- B. Discourage mid-forceps delivery.
 - C. Limit work hours for OB/GYN interns and residents.
 - D. Address difference approaches by which scientific information is admitted into evidence.
7. For most obstetricians, standard of care means practice that considers
- A. Scientific Data.
 - B. Custom.
 - C. Individual Patient Need.
 - D. All of the above.
8. An expert witness must have specialized knowledge in his or her field to assist the “Finder of Fact,” who may be either a judge or a jury.
- A. True
 - B. False
9. Best practice for an expert witness is to take cases for both plaintiffs and defendants
- A. To demonstrate a balanced approach.
 - B. To lend credibility to testimony.
 - C. Both.
 - D. Neither.
10. In legal testimony, “probability”
- A. Means conclusive proof.
 - B. Ranges for 0 to 50 percent chance.
 - C. Is impossible to determine.
 - D. Means more than a 50 percent chance.
11. Since 1997, the mean plaintiff’s verdict in a medical malpractice claim has increased
- A. By 10 percent.
 - B. By 20 percent.
 - C. From \$340,000 to \$720,000.
 - D. From \$1.97 million to \$3.48 million.
12. In the field of orthopaedic surgery, an average of 30% of practitioners will be involved in a malpractice claim each year.
- A. True
 - B. False
13. According to the Harvard Medical Practice Study
- A. Orthopaedic surgeons are at low risk of suit.
 - B. Virtually every successful lawsuit involves negligent care.
 - C. A majority of malpractice claims have no basis in medical negligence.
 - D. None of the above.
14. A successful malpractice claim must show

- A. The physician defendant had a duty to the patient.
 - B. The physician breached that duty.
 - C. The breach resulted in harm to the patient.
 - D. All of the above.
15. The Institute of Medicine endorsed email as an important tool to increase the quality and efficiency of patient-centered health care.
- A. True
 - B. False
16. Physician concerns about using email include
- A. Additional workload.
 - B. Information security.
 - C. Lack of reimbursement.
 - D. All of the above.
17. Legal experts recommend
- A. Never using physician-patient email.
 - B. Documenting informed consent for email use from participating patients.
 - C. Online diagnosis to obviate a time consuming physical examination.
 - D. None of the above.
18. Gross negligence consists of conduct involving total disregard for the patient's health.
- A. True
 - B. False
19. EMS providers are generally immune from lawsuit
- A. Unless the patient expires during the transport.
 - B. For a period of one year following injury.
 - C. In the absence of willful misconduct or gross negligence.
 - D. None of the above.
20. The reason the EMS provider immunity is to enable the rendering of assistance without worrying about a lawsuit in the event of a bad result.
- A. True
 - B. False