

PRE-TEST QUESTIONS

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1. Failure to diagnose is rarely an important issue in the field of medical malpractice litigation.
 - a. True
 - b. False
2. Duty on the part of the physician to the patient, breach of the standard of medical care, proximal causation of injury and damages are the four essential elements of negligence that the plaintiff **must** prove by the preponderance of evidence, otherwise the plaintiff loses.
 - a. True
 - b. False
3. The legal theory of “Ostensibly agency” means:
 - a. The principal or master should answer for the actions of the employees.
 - b. The thing speaks for itself.
 - c. So far as can be judged on first appearance.
 - d. Legal responsibility for the actions of another because of the appearance of control.
4. In life-threatening emergencies with minors, always get either the parents' authorization or court order before starting treatment.
 - a. True
 - b. False
5. In the hospital, the nurses are under no duty to get an informed consent on behalf of the physician.
 - a. True
 - b. False
6. *Res Ipsa Loquitur* (Latin for “The thing speaks for itself”) means that an expert medical witness is not needed to prove either the negligence (i.e. that the standard of care was breached) or that the negligence caused the injury.
 - a. True
 - b. False.
7. At common law there was no such thing as a wrongful death action. Wrongful death was created by statutory law.
 - a. True
 - b. False
8. Battery, abandonment and fraud are not intentional torts.
 - a. True
 - b. False
9. A negligence claim may be filed under tort law even if there is no injury to the plaintiff.
 - a. True
 - b. False