

What are the different types of torts? Give an example of each type. There are three types of Torts. Intention torts where the acts were deliberate, unintentional torts, where the person meant no harm, but was indeed neglectful. The third type of tort is strict liability. This is when a person is responsible for the "damage and loss caused by his or her acts and omissions regardless of fault." (Brodnik, 2017, p. 106)

What is the difference between the intentional torts of battery and assault? Give an example of each as related to healthcare. Battery is intentional and nonconsensual contact. An example of battery in healthcare would be performing a procedure without a patient's consent. Assault is "conduct causing apprehension that a harmful or offensive contact will occur, but it does not require actual contact." (Brodnik, 2017, p.99) An example of assault in healthcare would be a healthcare person inducing fear on an elderly resident in a nursing home.

What are the causes of action for improper disclosure of health information? Of these, which seem the most likely to succeed? The least likely to succeed? Defamation, invasion of privacy, breach of confidentiality and infliction of emotional distress. The most likely to succeed would be breach of confidentiality, the least would probably be emotional distress.

A cause of action for the improper disclosure of health information may result from either a negligent or an intentional act. Using the elements of negligence, give an example of a negligent disclosure of health information. Using the element of intent, give an example of an intentional disclosure of health information. An example of intentional disclosure would be a doctor contacting a teen patient's parent, and telling them that she is pregnant.

What is an immunity defense in regard to tort liability and who may rely on this type of defense? Immunity defense is when it is extended to a certain group of people, such as an organization, government, states, spouses, parents, and children.

What is a statute of limitations defense? Describe the different times at which a statute of limitations may begin to run. Do you think the concept of a statute of limitations should exist? Why or why not?

Statute of limitations put a time limit on certain claims. There are different limitations, varying from state to state. I can see why it exists, where evidence is concerned, it can be hard to prove claims to old evidence, but I feel everyone should receive justice no matter how much time has passed.

How do tort and contract law differ? Contract Law is "the body of civil law relating to agreements between parties, most often in the context of business or commercial relationships." (Brodnik, 2017, p. 114) Law of Tort focuses on negligence, contract focuses on the agreement.

What factors are thought to contribute to rising costs in healthcare and malpractice insurance rates and what specific tort reform measures exist to address them? The cost of malpractice insurance varies on the doctor's location and what they major in. The cost can also come from having to pay damages if a case was lost.

If a CEO of a not-for-profit hospital is doing an excellent job, should she be rewarded by the governing board with a substantial pay increase? If she is, what are some of the potential legal ramifications? What if the CEO's pay has traditionally been very low, and this increase now puts her compensation in line with other similar not-for-profit hospitals?

They are allowed to give her a raise, but could face legal ramifications if the increase is too high, since they are a not for profit hospital.

A new hospital is in the process of developing bylaws. Included in the document will be a description of the composition of its governing board. Who should be on the governing board? What types of factors should be considered?

It should be made up of the hospital staff, and community members .

Apex Hospital is in need of major renovation of its electrical system. One of Apex's governing board members, Willy Watt, is an electrical contractor who is a partial owner of an electrical restoration company. He would like to bid on the project. May he? If he does, what must he do? What must the governing board do? Is there a problem with Mr. Watt's fiduciary duty? Is there a problem with the governing board's fiduciary duty? What would you recommend?

It may be a conflict of interest, so he would have to let the board know that he is bidding. The board would have to make sure that he was not involved in the final vote since he is a member of the committee. That might make it less of a conflict of interest/fair.

Dr. Walters agreed to have his office painted by a local painter. They did not sign a formal contract; instead, they formalized the project with a handshake. Is this a contract? What type of contract is this? Was it a good idea to formalize it this way? Why or why not? What problems might arise?

I don't believe that it is a great idea for this to count as the contract. it is better to have it be a written one that way there is proof of a contract. But it is still a contract, a verbal one.

Dr. Wilson is a gastroenterologist. As part of his informed consent, he includes an exculpatory contract that excuses him from liability in the event he commits an act of negligence. He will not operate on a patient unless they sign the contract. Dr. Wilson is the only gastroenterologist in a 50-mile radius. Are there any problems with Dr. Wilson's contract? What do you expect a court to conclude if a patient does sue him for negligence after the patient has knowingly signed his contract?

In my opinion it is very unfair, and he is using his power over the patient, so he can avoid ever getting in trouble. The court may void the contract as it is not in best interest of the patient, or general public.

Explain the differences between express and implied consent. Which type is more legally sound? Are express consents given by patients? If so, give examples.

Express Consent is a verbal or written agreement, implied is when it will be assumed consent. Express is the more legally sound, especially if it is written. Oral consent could be more legally sound too as long as there is a witness in the room that signs they were there for the consent agreement.

If you were undergoing an invasive medical procedure, what information would you want to know prior to giving (or not giving) your consent?

I would want to know exactly what is going to be done, and what the benefits/risks are, along with what would have to be done if something went wrong.

Explain different types of advance directives and the pros and cons of each.

"An advance directive is a legal document that specifies an individual's health care wishes in the event he or she has a temporary or permanent loss of competence." (Brodnik,2017,p.148) The types are Power of Attorney and Durable Power of Attorney.

How does a durable power of attorney for healthcare decisions (DPOA-HCD) differ from a POA or DPOA?

It differs because it is allowing the principal to appoint a medical agent to make healthcare decisions if they are no longer able to.

Discuss situations in which minors may be legally permitted to consent to their own medical treatment. Should they be permitted to make their own treatment decisions in these cases?

They are legally permitted to be treated for STD'S and prenatal care. I feel that they should be able to do these things.

Brodnik, M. S. (2017). Fundamentals of Law for Health Informatics and Information Management (3rd ed.). AHIMA.