

CAPITAL UNIVERSITY LAW SCHOOL

CONTEMPORARY MEDICAL LIABILITY

FINAL EXAMINATION

Dr. Michael S. Lehv

Wednesday, April 17, 2002

Exam Due 5PM Wednesday, May 8th

Course #730

Section #77300

Question I (48 points)

[This question is to be answered as an ordinary essay question]

Discuss the similarities and differences between the standards of care for individual providers, institutional providers, and managed care organizations including how the standards are established.

Question II (52 points total – each section 17 points)

[This question is to be answered in outline form as discussed on the next page. There are three (3) unrelated sub-questions]

1. Compare the similarities and differences between occurrence and claims made professional liability insurance. Include in your outline, but do not limit it to, such factors as pricing, long-term security for the insured, and the consequences of gaps in coverage, switching companies and retirement.
2. Compare the differences between a ‘consent’ form you might sign upon admission to a hospital emergency room and a ‘consent’ form that you might sign in a doctor’s office after deciding to undergo purely elective laser vision corrective surgery for ordinary nearsightedness – the type usually corrected with eyeglasses or contact lenses. Assume that the doctor and a nurse have spent two hours explaining the surgery and that you have viewed appropriate explanatory video tapes.
3. Discuss the circumstances under which punitive damages might be available in various medical liability claims filed against any of the various categories of defendants we have considered, e.g., hospitals, doctors.

***** Hints for Question II*****

In creating your outlines, the idea is to categorize your thoughts into relatively brief statements under headings, subheadings, *etc.* You may also use conditional statements (“if - then”).

Example: [This is only a partial example of one of many ways of answering Section 3]

Possible Defendant A

Possible Tort 1

Circumstances when available

Basis(es) of punitive damages

Basis ?

Basis ?

Evidentiary requirements

Requirement i

Requirement ii

Possible Tort 2

Possible Defendant B

Possible Tort 1

Etc.

In this set of questions, consideration is not given to your eloquence, whether you use complete sentences, or how you style your outline headings; my main interests are in your logical organization and comprehension of medical liability law.

***** Additional Information*****

You may e-mail me the completed exam or leave it in my mailbox on the 5th floor. If you e-mail it, I will send you a reply confirming the fact that I received it. Also, see my comments about the exam included with Assignment XII.

Please remember that exams at CULS are not a collaborative effort. Last year, unhappily, someone forgot.