

Medical Law and Ethics, 6e (Fremgen)

Chapter 2 The Legal System

1) Congress is the _____ branch of the federal government for the United States.

- A) executive
- B) legislative
- C) judicial
- D) constitutional

Answer: B

2) The individual states

- A) may vary in how they interpret and implement state laws.
- B) may vary in how they interpret and implement federal laws.
- C) must administer federal law the same.
- D) A and C.

Answer: D

3) The U.S. Constitution does which of the following?

- A) It sets up the government.
- B) It defines the power of the government to act.
- C) It sets limits on the government's power.
- D) All of the above

Answer: D

4) Statutes are laws passed by

- A) a state legislature.
- B) Congress.
- C) an agency of the government.
- D) Congress or a state legislature.

Answer: D

5) A rule or law made by an agency is called a/an

- A) bill.
- B) regulation.
- C) statute.
- D) act.

Answer: B

6) Common law is established through

- A) court decisions.
- B) federal law.
- C) state decisions.
- D) common practices.

Answer: A

7) Which definition is the best for precedent?

- A) The ruling of a current case that contradicts an earlier case when the facts are different
- B) The ruling in an early case that is applied to a subsequent case when the facts are the same
- C) *Let the decision stand*
- D) Liability for an injury to another person even if there was no intent to harm the other person

Answer: B

8) Civil law includes

- A) torts.
- B) contracts.
- C) medical malpractice.
- D) all of the above.

Answer: D

9) A civil injury or wrongful act committed against another person or property that results in harm whether or not it is compensated by money damages is covered by

- A) civil law.
- B) tort law.
- C) contract law.
- D) administrative law.

Answer: B

10) In many cases, civil law matters are handled and settled

- A) by the judge.
- B) by the governor.
- C) outside the courtroom.
- D) by the federal government.

Answer: C

11) Intentional torts include

- A) assault and battery.
- B) defamation.
- C) false imprisonment.
- D) all of the above.

Answer: D

12) Action taken to confine a competent patient against his or her will is

- A) defamation.
- B) false imprisonment.
- C) assault.
- D) battery.

Answer: B

13) Which is the best definition of libel?

- A) Speaking false and/or malicious words about another person that injure his or her reputation
- B) Speaking or publishing false and/or malicious statements about another person that injure his or her reputation
- C) Publishing false and/or malicious statements about another person in print, pictures, or signs that injure his or her reputation
- D) Attempts to deceive another person

Answer: C

14) Professional exercise of the type of care that a reasonable person would use in similar circumstances is

- A) the standard of care.
- B) negligence.
- C) a breach.
- D) an unintentional tort.

Answer: A

15) Failure or omission to perform professional duties to an accepted standard of care is called

- A) fraud.
- B) negligence.
- C) unintentional tort.
- D) consideration.

Answer: B

16) Which of the following best defines an expressed contract?

- A) Agreement shown through inference by signs, inaction, or silence
- B) Agreement entered into orally (clearly stated) or in writing
- C) Failure to comply with the terms of the agreement
- D) All of the above

Answer: B

17) A contract between the patient and the physician can be terminated if the patient

- A) fails to follow instructions.
- B) misses appointments.
- C) fails to pay for services.
- D) all of the above.

Answer: D

18) Being found guilty of breaking a criminal law may result in

- A) a fine.
- B) imprisonment.
- C) loss of a medical license.
- D) all of the above.

Answer: D

19) Which carries the punishment of fines or imprisonment in jail for up to a year?

- A) A misdemeanor
- B) A felony
- C) Negligence
- D) Battery

Answer: A

20) The federal court has jurisdiction over a case when

- A) the case relates to federal law.
- B) the dispute occurred on or in international waters.
- C) another country's citizen and a U.S. citizen are in dispute with a monetary value of over \$75,000.
- D) all of the above.

Answer: D

21) Which of the following lists the lowest to highest divisions of the federal courts?

- A) District court, court of appeals, U.S. Supreme Court
- B) Circuit court, municipal court, U.S. Supreme Court
- C) Municipal court, district court, court of appeals
- D) District court, U.S. Supreme Court, court of appeals

Answer: A

22) The person being sued in a court of law is the

- A) plaintiff.
- B) bailiff.
- C) defendant.
- D) litigator.

Answer: C

23) A court order for a witness to appear in court and bring certain documents under penalty for failure to do so is a

- A) deposition.
- B) subpoena *duces tecum*.
- C) discovery.
- D) subpoena.

Answer: B

24) An expert witness is one who

- A) has witnessed the crime and can identify the perpetrator.
- B) has an advanced degree such as a doctorate in biology.
- C) has knowledge or experience about the facts of the case beyond that of the jury and others in the court.
- D) all of the above.

Answer: C

25) When testifying in court, it is important to

A) tell the truth.

B) state the facts.

C) include your opinion.

D) A and B.

Answer: D