

Medical Law and Ethics, 5e (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 on how they interpret and implement state laws.
- B) may vary on how they interpret and implement federal laws.
- C) must administer federal law the same.
- D) A and C.

Answer: D

3) The purpose of a constitution is to

- A) set up a government.
- B) define the power of the government to act.
- C) set limits on the government's power.
- D) all of the above.

Answer: D

4) Statutes are laws passed by

- A) the state legislature.
- B) Congress.
- C) the president.
- D) Congress or the 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 decision.
- B) federal law.
- C) state decision.
- D) municipal decision.

Answer: A

7) Which definition is the best for precedent?

- A) The ruling of a current case that is applied to a current 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 and is compensated by money damages is

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

Answer: B

10) Civil law is commonly 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 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 malicious words concerning another person, which brings injury to his or her reputation
- B) Making false and/or malicious statements about another person
- C) Any publication in print, writing, pictures, or signs that injures the reputation of another person
- D) Attempts to deceive another person

Answer: C

14) Professional exercise of the type of care that a reasonable person would use in a similar circumstance 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 level 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 is shown through inference by signs, inaction, or silence.
- B) Agreement is 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 for

- A) failure to follow instructions on the part of the patient.
- B) missed appointments by the patient.
- C) failure to pay for services.
- D) all of the above.

Answer: D

18) The result of breaking a criminal law may be

- 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 a over 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 is the lowest to highest division of the state courts?

- A) Municipal, circuit, supreme
- B) Circuit, municipal, supreme
- C) Supreme, circuit, municipal
- D) Municipal, supreme, circuit

Answer: A

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

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

Answer: C

23) A court order for a witness and certain documents to appear in court is a

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

Answer: B

24) An expert witness is considered to have

- A) knowledge of the crime committed.
- B) a legal background (for example, a lawyer).
- C) knowledge or experience beyond the jury.
- 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