

Chapter 2: Legal Concepts, Risk Management, and Ethical Issues

MULTIPLE CHOICE

1. Which of the following is an example of an intentional tort pertaining to surgical patient care?
 - a. A patient suffers a burn due to hot instruments.
 - b. Restraints are used on a patient who threatens to leave.
 - c. A tissue specimen is misplaced by a transporter.
 - d. A retained surgical sponge is discovered in subsequent procedure.

ANS: B PTS: 1

2. Which of the following legal doctrines would MOST likely apply in the case of a wrong site surgery or retained foreign body?
 - a. aeger primo
 - b. caveat emptor
 - c. primum non nocere
 - d. res ipsa loquitur

ANS: D PTS: 1

3. The phrase “departure from the standard of care” BEST describes which of the following legal terms?
 - a. larceny
 - b. liability
 - c. malpractice
 - d. negligence

ANS: D PTS: 1

4. Which of the following legal terms is BEST described as “professional misconduct that results in harm to another”?
 - a. allegation
 - b. liability
 - c. malpractice
 - d. negligence

ANS: C PTS: 1

5. What is the term that describes a method of pretrial discovery in which a surgical team member might answer questions under oath?
 - a. allegation
 - b. deposition
 - c. indictment
 - d. precedent

ANS: B PTS: 1

6. Which of the following torts would be classified as unintentional?
 - a. battery
 - b. defamation
 - c. foreign bodies left in patient
 - d. invasion of patient privacy

ANS: C PTS: 1

7. Which type of consent applies when emergency circumstances exist when reasonable providers believe that a patient would agree to treatment, even if no form was signed or verbal permission given?
- direct
 - implied
 - informed
 - general

ANS: B PTS: 1

8. A special consent form would be required for which of the following situations during a hospital admission?
- chest x-ray
 - phlebotomy
 - respiratory therapy
 - surgical procedure

ANS: D PTS: 1

9. Which member of the surgical team is ultimately responsible for obtaining a written, informed surgical consent from a patient?
- anesthesia provider
 - circulating RN
 - surgeon
 - surgical technologist

ANS: C PTS: 1

10. All of the following are components of the surgical patient's medical record EXCEPT:
- anesthesia record
 - history and physical
 - interdepartmental communications
 - surgeon's preference card

ANS: D PTS: 1

11. In 2004, which of the following agencies created the "Do Not Use" abbreviation list?
- the Joint Commission (JC)
 - American Medical Association (AMA)
 - Association of periOperative Registered Nurses (AORN)
 - Occupational Safety and Health Administration (OSHA)

ANS: A PTS: 1

12. What is the name of the type of report sent to risk management in an effort to decrease the chance of harm to patients or staff or damage to hospital property?
- advance directive
 - informed consent
 - Safe Medical Device Act
 - sentinel event

ANS: D PTS: 1

13. Which of the following surgical patients would be legally authorized to sign an informed surgical consent, based on medical practice acts and state law?
- premedicated competent adult

- b. adult in a persistent vegetative state
- c. an emancipated 16-year-old minor
- d. a foreign language speaker without an interpreter

ANS: C PTS: 1

14. Which of the following pertains to a patient's wishes about medical treatment and self-determination in the event of incapacitation or inability to communicate?
- a. advance directive
 - b. deposition
 - c. informed consent
 - d. sentinel event

ANS: A PTS: 1

15. Which of the following terms best describes the process of keeping thorough, accurate, and legal records of a patient's medical care?
- a. accountability
 - b. consent
 - c. documentation
 - d. liability

ANS: C PTS: 1

16. All of the following carry the force of state or national legal enforcement EXCEPT:
- a. implementation of the neutral zone
 - b. Health Insurance Portability and Accountability Act
 - c. Patient Self-Determination Act
 - d. scope of practice

ANS: A PTS: 1

17. The American Hospital Association replaced its "Patient's Bill of Rights" with which of the following?
- a. doctrine of personal liability
 - b. Health Insurance Portability and Accountability Act
 - c. Patient Self-Determination Act
 - d. Patient Care Partnership

ANS: D PTS: 1

18. The broad objectives of the Health Insurance Portability and Accountability Act (HIPAA) include all of the following EXCEPT:
- a. eliminate medical errors
 - b. improve patient services
 - c. protect patient privacy
 - d. reduce health care fraud

ANS: A PTS: 1

19. Which of the following terms describes a civil wrong that may be intentional or unintentional?
- a. complaint
 - b. indictment
 - c. liability
 - d. tort

ANS: D PTS: 1

20. The most common types of patient-care errors committed by operating room personnel, including negligence and malpractice, are categorized as:
- intentional torts
 - corporate liability
 - unintentional torts
 - standard of care

ANS: C PTS: 1

21. In a common adage, what is the “best medicine” in health care?
- conscience
 - documentation
 - judgment
 - prevention

ANS: D PTS: 1

22. According to the Joint Commission’s definition regarding consent to surgical intervention, which party has “autonomy”?
- anesthesia provider
 - circulating RN
 - the patient
 - the surgeon

ANS: C PTS: 1

23. Which of the following terms describes the system of principles that become standards of conduct for professionals?
- doctrines
 - ethics
 - morals
 - precedents

ANS: B PTS: 1

24. Which of the following terms describes the principles such as benevolence, trustworthiness, and honesty for the care and well-being of others in society?
- doctrines
 - ethics
 - morals
 - precedents

ANS: C PTS: 1

25. Which of the following would NOT be considered an example of a potential ethical dilemma?
- patient privacy
 - genetic engineering
 - elective abortion
 - right to die, termination of care

ANS: A PTS: 1

26. The legal term that identifies the knowledge and skills required for a profession and describes a health care provider’s core accountability, based on education, experience, and credentialing is:

- a. professional liability
- b. policies and procedures
- c. recommended standards of practice
- d. scope of practice

ANS: D PTS: 1

27. Which of the following is NOT a form of individual professional credentialing that protects the public from unqualified health care providers?
- a. accreditation
 - b. certification
 - c. licensure
 - d. registration

ANS: A PTS: 1

28. Verification that educational programs meet minimum accreditation standards is done by:
- a. AST
 - b. CAAHEP
 - c. HIPAA
 - d. NBSTSA

ANS: B PTS: 1

29. Graduates of CAAHEP or ABHES programs are eligible to sit for the CST or CSFA examinations administered by:
- a. ARC/STSA
 - b. AST
 - c. CSPS
 - d. NBSTSA

ANS: D PTS: 1

30. The best assurance of safe and individual professional behavior by the CST or CSFA is a well-developed, unyielding:
- a. core curriculum
 - b. liability insurance
 - c. scope of practice
 - d. surgical conscience

ANS: D PTS: 1

31. Which legal doctrine would be MOST applicable in a case involving failure by the RN and CST to do proper surgical counts resulting in retention of a foreign object and the surgeon being found not liable?
- a. captain of the ship doctrine
 - b. doctrine of borrowed servant
 - c. doctrine of corporate negligence
 - d. primum non nocere

ANS: B PTS: 1

32. Which legal doctrine would be MOST applicable in a case involving injury to a patient as a result of a hospital employee's lack of proper training or credentialing?
- a. captain of the ship doctrine
 - b. doctrine of borrowed servant
 - c. doctrine of corporate negligence

d. primum non nocere

ANS: C PTS: 1

33. Which type of legal action is MOST likely in cases involving tort law and operating room personnel?
- civil
 - criminal
 - federal
 - statutory

ANS: A PTS: 1

34. If a patient suffered a burn as a result of improper application of the ESU dispersive (grounding) pad, the individual team member responsible may be found guilty in a lawsuit of which of the following?
- assault
 - battery
 - intentional tort
 - negligence

ANS: D PTS: 1

35. Specimen loss, mislabeling, and improper preparation are examples of which of the following?
- battery
 - defamation
 - intentional tort
 - negligence

ANS: D PTS: 1

36. Which of the following terms meets the following definition: a voluntary and informed act in which one party gives permission to another party to “touch”?
- advance directive
 - battery
 - consent
 - time-out

ANS: C PTS: 1

37. Which of the following forms of consent is defined by the Joint Commission as “agreement or permission accompanied by full notice about what is being consented to”?
- general
 - implied
 - informed
 - special

ANS: C PTS: 1

38. Surgical team members who fail to monitor and protect a medicated patient from falling could be charged with:
- abandonment
 - assault
 - battery
 - larceny

ANS: A PTS: 1

39. Which part of the patient's medical record documentation would contain pre-op and post-op diagnoses, positioning, skin prep, start and stop times, counts, and dressings?
- advance directive
 - anesthesia record
 - informed consent
 - intraoperative record

ANS: D PTS: 1

40. For which of the following processes are identification and reporting of unsafe conditions and hazards MOST critical?
- advance directives
 - informed consent
 - risk management
 - unintentional torts

ANS: C PTS: 1

41. Which of the following was identified in the late 1990's as causing more deaths in the United States than car accidents, AIDS, and breast cancer combined?
- equipment manufacturing flaws
 - H1N1 influenza
 - medical errors
 - terrorist attacks

ANS: C PTS: 1

42. What is the name of the organization whose focus is on patient and worker safety and is a unique coalition of surgeons (ACS), anesthesiologists (ASA), operating room (AORN) and perianesthesia (ASPAN) nurses, CRNAs (AANA), surgical physician assistants (AASPA), and surgical technologists (AST)?
- American National Standards Institute (ANSI)
 - Council on Surgical and Perioperative Safety (CSPS)
 - Occupational Safety and Health Administration (OSHA)
 - the Joint Commission (TJC)

ANS: B PTS: 1

43. What is establishing a neutral zone designed to do?
- diffuse potential violence in high-stress situations
 - prevent sharps injuries during surgical procedures
 - reduce cross-contamination in the OR suite
 - quarantine patients with airborne diseases

ANS: B PTS: 1

44. Which governmental agency has authority as outlined in the Safe Medical Device Act?
- EPA
 - FDA
 - HIPAA
 - OSHA

ANS: B PTS: 1

45. The first scrub surgical technologist performs intraoperative tasks under the broad delegatory authority of the:

- a. anesthesiologist
- b. circulating RN
- c. OR supervisor
- d. surgeon

ANS: D

PTS: 1

MATCHING

Match each term below with its description.

- | | |
|--------------------------|----------------------|
| a. Plaintiff | k. Code of conduct |
| b. Malpractice insurance | l. Iatrogenic injury |
| c. Defamation | m. Accreditation |
| d. Aeger primo | n. Time-out |
| e. Precedent | o. Medical record |
| f. Larceny | p. Credential |
| g. Patient | q. Federal law |
| h. Allegation | r. Guardian |
| i. Criminal negligence | s. Intentional tort |
| j. Primum non nocere | t. Assault |

1. An injury resulting from the activity of health care professionals
2. Reckless disregard for the safety of another; willful indifference
3. Taking another's property without consent
4. A statement one expects to prove true
5. "Above all, do no harm."
6. Willful, intentional acts that violate the civil rights of a patient
7. Slander or libel that damages a person's reputation or good name
8. An act that causes another person to fear that he or she will be touched in an offensive, insulting, or physically injurious manner without consent or authority to do so
9. Prior to start of a procedure; all members of surgical team verify correct patient, procedure, site, and side.
10. Court-appointed protector for an individual incapable of making his or her own decisions
11. Jurisdiction is given to courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties
12. The individual who initiates a lawsuit
13. Legal principle, created by a court decision, that provides an example of authority for judges deciding similar issues later
14. "A person who receives health services from a health care provider and who gives consent for the provider to provide those services."
15. The combined account of the interaction between the patient and the health care providers during a given incidence of illness or treatment.
16. Professional liability coverage to cover discrepancy between hospital and individual policies in negligence lawsuits
17. Professional rules and standards of behavior that include principles such as impartiality, objectivity, duty of care, and confidentiality and disclosure
18. Title used that establishes a minimum knowledge base for a given health care profession
19. Assessment of educational programs for quality and effectiveness and used as a criterion for eligibility to sit for a national certification examination
20. The motto used by AST, meaning "The Patient First"

1. ANS: L

PTS: 1

- 2. ANS: I PTS: 1
- 3. ANS: F PTS: 1
- 4. ANS: H PTS: 1
- 5. ANS: J PTS: 1
- 6. ANS: S PTS: 1
- 7. ANS: C PTS: 1
- 8. ANS: T PTS: 1
- 9. ANS: N PTS: 1
- 10. ANS: R PTS: 1
- 11. ANS: Q PTS: 1
- 12. ANS: A PTS: 1
- 13. ANS: E PTS: 1
- 14. ANS: G PTS: 1
- 15. ANS: O PTS: 1
- 16. ANS: B PTS: 1
- 17. ANS: K PTS: 1
- 18. ANS: P PTS: 1
- 19. ANS: M PTS: 1
- 20. ANS: D PTS: 1

TRUE/FALSE

- 1. “Captain of the ship” doctrine holds the surgeon accountable for all actions of the operating room team in lawsuits.

ANS: F PTS: 1

- 2. A surgical technology student who photographs a patient and posts the image on the Internet could be sued for invasion of privacy and HIPAA violation.

ANS: T PTS: 1

- 3. General consent is obtained by patients admitted to the hospital and covers all routine services and medical treatment in broad terms but not invasive procedures such as surgery.

ANS: T PTS: 1

- 4. Living will and durable power of attorney are examples of advance directives in health care.

ANS: T PTS: 1

- 5. Errors in chart documentation should be erased to prevent confusion by subsequent caregivers.

ANS: F PTS: 1