

CHAPTER 3
Medical Law and Ethics

True/False:

1. _____ Civil laws are made to protect the public as a whole from the harmful acts of others.

Answer: False

Page: 45

Objective #2

2. _____ Criminal law concerns relationships between individuals or between individuals and the government.

Answer: False

Page: 45

Objective #2

3. _____ The medical assistant is not licensed to practice medicine and must make sure that he or she does not try to treat or diagnose a patient's condition.

Answer: True

Page: 45

Objective #2

4. _____ A tort is a wrongful act that is committed against another person or property that results in harm. In order to meet the definition of a tort, there must be damage or injury to the patient that was caused by the physician or the physician's employee.

Answer: True

Page: 45

Objective #2

5. _____ It is easier to prevent negligence than it is to defend it.

Answer: True

Page: 46

Objective #3

6. _____ Customer service etiquette asserts that the physician must provide the same knowledge, care, and skill that a similarly trained physician would provide under the same circumstances in the same locality.

Answer: False

Page: 47

Objective #4

7. _____ The doctrine of res ipsa loquitur tells us that the breach (neglect) of duty is so obvious that it does NOT need further explanation or “it speaks for itself.”

Answer: True

Page: 49

Objective #3

8. _____ Good citizenship laws are state laws that help protect a health care professional from liability while giving emergency care to an accident victim.

Answer: False

Page: 49

Objective #4

9. _____ The statute of limitations refers to the period of time during which a patient can file a lawsuit.

Answer: True

Page: 49

Objective #1

10. _____ Public humiliation is a scandalous statement about someone that can injure the person's reputation.

Answer: False

Page: 49

Objective #6

11. _____ The fact that a physician saw a patient must be kept confidential.

Answer: True

Page: 49

Objective #6

12. _____ One copy of the living will should be kept with the patient's record.

Answer: True

Page: 53

Objective #5

13. _____ You should always memorize testimony for a court case ahead of time.

Answer: False

Page: 56

Objective #6

14. _____ A medical assistant can call him- or herself a nurse.

Answer: False

Page: 59

Objective #6

15. _____ Medical ethics refers to the moral conduct of people in medical professions.

Answer: True

Page: 60

Objective #7

16. The Patient Bill of Rights describes what a patient should expect during a hospital stay.

Answer: True

Page: 50

Objective #11

17. It is a violation of HIPAA to tell a friend specific details of a patient's condition.

Answer: True

Page: 64

Objective #12

18. Covered entities as defined by HIPAA include health plans, health care clearinghouses, and providers who conduct certain health care transactions electronically.

Answer: True

Page: 63

Objective #12

19. Faxes and e-mails that contain private patient information are NOT covered by HIPAA because they are sent electronically.

Answer: False

Page: 64

Objective #12

20. A medical assistant must undergo HIPAA training during his or her orientation.

Answer: True

Page: 64

Objective #12

21. Patients can only find out who had access to their private health information if the medical office agrees to release that information.

Answer: False

Page: 63

Objective #12

22. All patients must sign an authorization to release information to a spouse or adult children.

Answer: True

Page: 64

Objective #12

23. A medical assistant should use caution when speaking with a patient over a speakerphone.

Answer: True

Page: 64

Objective #12

24. A physician cannot be held legally responsible for something the staff has said to a patient.

Answer: False

Page: 64

Objective #12

25. During the hiring process, a medical assistant should share any personal, religious, or ethical beliefs that might affect his or her ability to participate in various procedures with a physician.

Answer: True

Page: 65

Objective #12

Multiple Choice:

1. _____ is the threat of bodily harm to another.
 - a. Assault
 - b. Battery
 - c. Larceny
 - d. Intimidation

Answer: a

Page: 45

Objective #2

2. _____ is the actual bodily harm to another person.

6

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- a. Assault
- b. Battery
- c. Larceny
- d. Intimidation

Answer: b

Page: 45

Objective #2

3. _____ concerns relationships between individuals or between individuals and the government.
- a. Criminal law
 - b. Civil law
 - c. International law
 - d. Military law

Answer: b

Page: 45

Objective #2

4. _____ laws are made to protect the public as a whole from the harmful acts of others.
- a. Criminal
 - b. Civil
 - c. International
 - d. Military

Answer: a

7

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Page: 45

Objective #2

5. _____ is a deceitful practice.
- a. Defamation of character
 - b. Battery
 - c. Assault
 - d. Fraud

Answer: d

Page: 45

Objective #2

6. A(n) _____ is a wrongful act that is committed against another person or property that results in harm.
- a. tort
 - b. contract
 - c. insult
 - d. diatribe

Answer: a

Page: 45

Objective #2

7. Which of the following is NOT one of the four Ds of negligence?
- a. direct cause
 - b. dereliction of duty
 - c. damages

8

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d. defamation of character

Answer: d

Page: 45

Objective #3

8. The physician may be charged with _____ of the patient if he or she does NOT give formal notice of withdrawal from the case.
- a. abandonment
 - b. rejection
 - c. neglect
 - d. elimination

Answer: a

Page: 46

Objective #4

9. Ethical decisions pertaining to life issues are referred to as _____.
- a. humanistic ethics
 - b. meta-ethics
 - c. bioethics
 - d. biogenetic ethics

Answer: c

Page: 65

Objective #8,9

10. _____ are NOT a component of HIPAA training.
- a. Privacy regulations

9

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- b. Security regulations
- c. Credit standards
- d. Transaction standards

Answer: c

Page: 64

Objective #12

11. Punitive damages are _____.
- a. monetary penalties incurred for damages.
 - b. collected only in cases of malpractice.
 - c. meant to punish an individual's behavior.
 - d. the same as compensatory damages.

Answer: c

Page: 48

Objective #6

12. The _____ asserts that the physician must provide the same knowledge, care, and skill that a similarly trained physician would provide under the same circumstances in the same locality.
- a. standard of care
 - b. ethical standards
 - c. code of ethics
 - d. care of atypical

Answer: a

Page: 47

10

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Objective #4

13. _____ means that the plaintiff must prove that the defendant's acts (or failure to act) directly caused the injury.

- a. Just cause
- b. Proximate cause
- c. Approximate cause
- d. Reasonable cause

Answer: b

Page: 46

Objective #4

14. A(n) _____ allows patients to request that life-sustaining treatments and nutritional support NOT be used to prolong their life.

- a. doctor's order
- b. spousal consent
- c. living will
- d. next of kin

Answer: c

Page: 53

Objective #5

15. In most cases, employers carry _____ coverage to cover acts of their employees during the course of carrying out their duties.

- a. business liability
- b. general liability

- c. medical liability
- d. employer liability

Answer: b

Page: 48

Objective #4

16. _____ have the right to select the patients they wish to treat.
- a. Physicians
 - b. Patients
 - c. Medical assistants
 - d. Nurses

Answer: a

Page: 50

Objective #4

17. Which of the following is NOT one of the physician's rights?
- a. Can select patients he or she wishes to treat
 - b. Can refuse service to patients
 - c. Can take vacations and time off
 - d. Can terminate treatment as desired

Answer: d

Page: 50

Objective #4

18. The Doctrine of Informed Consent includes all of the following EXCEPT

12

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- a. the cost of treatment.
- b. explanation of advantages and risks to treatment.
- c. alternatives available to the patient.
- d. potential outcomes to the treatment.

Answer: a

Page: 51

Objective #5

19. The Doctrine of Informed Consent includes all of the following EXCEPT

- a. potential outcomes to the treatment.
- b. what might occur if there is not treatment.
- c. the use of understandable language.
- d. the doctor's credentials.

Answer: d

Page: 51

Objective #5

20. Touching someone without the person's consent is referred to as _____.

- a. assault
- b. neglect
- c. battery
- d. negligence

Answer: c

Page: 51

Objective #5

13

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21. Which of the following is NOT a legal implication to consider when treating a minor?

- a. Minor's medical knowledge
- b. Right to confidentiality
- c. Financial responsibility
- d. Minor's legal guardian

Answer: a

Page: 53

Objective #5

22. The _____ allows persons 18 years or older and of sound mind to make a gift of any or all parts or their body for purposes of organ transplants or medical research at the time of death.

- a. Uniform Commercial Code
- b. Anatomical Uniform Gift Act
- c. Uniform Anatomical Gift Act
- d. Anatomical Commercial Code

Answer: c

Page: 53

Objective #5

23. The _____ is a safeguard that someone will be able to act on the patient's behalf if he or she becomes physically or mentally incapacitated.

- a. right to life
- b. informed consent

14

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- c. reasonable person standard
- d. durable power of attorney

Answer: d

Page: 53

Objective #5

24. Which of the following is NOT a valid tip for giving testimony in court?
- a. Memorize your testimony ahead of time.
 - b. Be professional.
 - c. Remain calm, dignified, and serious at all times.
 - d. Do not answer questions you do not understand.

Answer: a

Page: 56

Objective #6

25. A(n) _____ is an adult, generally appointed by the court, who will act in court on behalf of the child.
- a. parent
 - b. next of kin
 - c. court appointed guardian
 - d. guardian ad litem

Answer: d

Page: 49

Objective #5

26. _____ relates to the patient's contribution to the injury, which if proven, could release the physician as the direct cause.

- a. Contributory negligence
- b. Patient's responsibility
- c. Passing the buck
- d. Patient's self-inflection

Answer: a

Page: 46

Objective #3

27. Which of the following is a typical job responsibility for a medical assistant?

- a. Diagnosing medical conditions
- b. Interpreting electrocardiograms
- c. Dispensing medication
- d. Maintaining patient confidentiality

Answer: d

Page: 48

Objective #4

28. Which of the following is NOT one of the recommendations/cautions for the medical assistant's responsibility with office management?

- a. Petty cash should not be available.
- b. Never make promises regarding what the physician can do for the patient.
- c. Relay any dissatisfied patients' comments to the physician.

d. Log and return telephone calls promptly.

Answer: a

Page: 58

Objective #6

29. Which of the following is NOT one of the recommendations/cautions for the medical assistant's responsibility with documentation?

- a. Sign or initial every note.
- b. Type all documents.
- c. Provide all instructions to patients in writing.
- d. Document all missed appointments.

Answer: b

Page: 59

Objective #6

30. There are still many areas of medical ethics for which there are

- a. no conclusive answers.
- b. statutory regulations.
- c. legal rights.
- d. legal recourse.

Answer: a

Page: 65

Objective #8,9

31. Which of the following is NOT one of the AMA Principles of Medical Ethics?

- a. Human dignity

17

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- b. Diversity awareness
- c. Freedom of choice
- d. Continued study

Answer: b

Page: 61

Objective #8

32. Which of the following is NOT one of principles of the American Association of Medical Assistants (AAMA) Code of Medical Ethics?

- a. Human dignity
- b. Legal considerations
- c. Continued study
- d. Freedom of choice

Answer: b

Page: 62

Objective #9

33. Obtain a parent or guardian's _____ before any procedure is performed on a minor.

- a. guidance
- b. verbal/oral permission
- c. permission
- d. signature

Answer: d

Page: 52

18

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Objective #5

34. If you knowingly overlook a hazard that a _____ would report and eliminate, you can be guilty of negligence.

- a. reasonable person
- b. doctor
- c. prudent person
- d. nurse

Answer: a

Page: 60

Objective #3

35. When preparing medication for administration, you should check it _____.

- a. not necessary
- b. once
- c. twice
- d. three times

Answer: d

Page: 58

Objective #6

36. The medical assistant is responsible for making sure there is a _____ consent form.

- a. written
- b. signed
- c. typed

d. documented

Answer: b

Page: 52

Objective #5

37. Schedule _____ drugs have the highest potential for addiction and abuse.

- a. I
- b. VI
- c. IV
- d. V

Answer: a

Page: 58

Objective #6

38. Controlled drugs must be kept _____.

- a. in a refrigerator
- b. from spoiling
- c. from freezing
- d. in a locked cabinet

Answer: d

Page: 58

Objective #6

39. Which of the following means that the physician/employer is liable for the negligent actions of anyone working for him or her (i.e., “Let the master answer”)?

20

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- a. Res ipsa loquitur
- b. Respondeat superior
- c. Reasonable person standard
- d. Guardian ad litem

Answer: b

Page: 47

Objective #3

40. Which of the following is NOT one of the “four Ds” that a patient must be able to show in order to obtain a judgment for negligence against a physician?

- a. Duty
- b. Direct cause
- c. Damages
- d. Delegation

Answer: d

Page: 45

Objective #3

41. The termination of the contract between a physician and patient generally occurs

when _____.

- a. the diagnosis has been made
- b. the treatment has taken effect
- c. the treatment has worked
- d. the treatment has ended and the fee has been paid

Answer: d

21

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Page: 47

Objective #4

42. Physicians are NOT expected to expose their patients to undue risk. If the physician violates this standard of care, he or she is liable for _____.

- a. proximate cause
- b. breach of contract
- c. negligence
- d. slander

Answer: c

Page: 47

Objective #3

43. The statute of limitations does NOT always start “running” when the treatment is administered. It may begin when the problem is discovered, which may be some time after the actual treatment. This is known as _____.

- a. res ipsa loquitur
- b. respondeat superior
- c. the rule of discovery
- d. proximate cause

Answer: c

Page: 49

Objective #4

44. Which of the following is NOT one of the more general exceptions to the informed consent doctrine that states that a physician does not have to inform a patient?

- a. When the doctor decides it is not necessary
- b. When the patient asks the physician not to disclose the risk
- c. When disclosure of risks may be detrimental to the patient
- d. When risks are commonly known

Answer: d

Page: 52

Objective #5

45. _____ refers to a lawsuit tried in court.

- a. Litigation
- b. Respondeat superior
- c. Statute of limitations
- d. Court marshal

Answer: a

Page: 56

Objective #6

46. A medical assistant is NOT expected to perform any of the following EXCEPT

- a. prescribe medications.
- b. interpret electrocardiograms.
- c. diagnose medical conditions.
- d. use same approved methods that a physician would use.

Answer: d

Page: 48

Objective #6

47. Known as the _____, the health care professional must exercise the type of care that a “reasonable” person with similar training would use in a similar circumstance.

- a. reasonable person standard
- b. reasonable person law
- c. reasonable person ethic
- d. the code of ethics

Answer: a

Page: 45

Objective #3

48. _____ is defined as diagnosing and prescribing treatment or medication.

- a. Prescription filling
- b. Practice of medicine
- c. Focus on prevention
- d. Living will

Answer: b

Page: 45

Objective #1

49. _____ means that the patient is informed about the possible consequences of both having and not having certain procedures and treatment.

24

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- a. Preoperational briefing
- b. Due diligence
- c. Informed consent
- d. Informational waiver

Answer: c

Page: 51

Objective #5

50. _____ is a scandalous statement about someone that can injure the person's reputation.

- a. Rumor
- b. Misquote
- c. Scandal
- d. Defamation of character

Answer: d

Page: 49

Objective #4