1. Check your Understanding

8.1 1. A, 2. B, 3. B, 4. D, 5. C, 6. B, 7. A, 8. D, 9. C, 10. A, 11. B, 12. A, 13. D, 14. A, 15. D

8.2 1. C, 2. B, 3. C, 4. B, 5. C, 6. C, 7. C, 8. B, 9. A, 10. C, 11. B, 12. A, 13. A, 14. C, 15. D

 2. Key Terms ; define:

Accreditation – designation given to a healthcare facility by an accrediting organization

Administrative law – a body of rules and regulations developed by various administrative entities empowered by congress

Admissibility – the condition of being admitted into evidence in a court of law

Alternative dispute resolution – methods of resolving legal disputes outside of the court system such as arbitration or mediation

Appellate courts – courts that hear appeals on final judgments of the state trial courts or federal trial courts

Arbitration – a proceeding in which disputes are submitted to a third party or panel of experts outside the judicial trial system

Authentication – affirms a record’s legitimacy through testimony or written validation

Bench trial – a trial in which a judge reviews the evidence and makes determination, without a sitting jury

Breach of contract – failure to perform any term of a contract by any party involved in the contract

Complaint – in litigation, a written legal statement from a plaintiff that initiates a civil lawsuit

Counterclaim – in a court of law, a countersuit

Cross-clam – a complaint filed against a codefendant

Defendant – in civil cases, an individual or entity against whom a civil complaint has been filed. In criminal cases, an individual who has been accused of a crime

Deposition – a method of gathering information to be used in a litigation process

DRS – Designated record set – ammended by HITECH, any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity

Discovery – the pretrial stage in the litigation process during which both parties to a suit use various strategies to identify information about the case

DNR – Do-Not-Resuscitate - an order written by the treating physician stating that in the event the patient suffers cardiac or pulmonary arrest, cardiopulmonary resuscitation should not be attempted

DPOA-HCD – Durable power of attorney for healthcare decisions – a legal instrument through which a principal appoints an agent to make healthcare decisions on the principal’s behalf in the event the principal becomes incapacitated

Express Contract – agreement between physician and patient that is specifically articulated

False Claims Act – prohibits contractors from making a false claim to a governmental program

Judicial Law – the body of law created as a result of court (judicial) decisions

Litigation – a civil lawsuit or contest in court

Living will – a legal document that states a patient’s wishes regarding life support in certain circumstances, usually when death is imminent

Malfeasance – a wrong or improper act

Medial malpractice – a type of action in which the plaintiff must demonstrate that a healthcare provider-patient relationship existed at the time of the alleged wrongful act

Metadata – descriptive data that characterize other data to create a clearer understanding of their meaning and to achieve greater reliability and quality of information

Misfeasance – relating to negligence or improper performance during an otherwise correct act

NPDB – National Practitioner Bank – a confidential information clearinghouse created by Congress with the primary goals of improving healthcare quality, protecting the public, and reducing healthcare fraud and abuse in the United States

PHR – Personal Health Record – an electronic or paper health record maintained and updated by an individual for himself or herself

Tort – an action brought when one party believes that another party caused harm through wrongful conduct and seeks compensation for that harm

Voir dire – process of jury selection

Summons – an instrument used to begin a civil action or special proceeding and is a means of acquiring jurisdiction over a party

Subpoena – a command to appear at a certain time and place to give testimony on a certain matter

Statutory law – written law established by federal and state legislatures

3.

There are many methods of discovery, and state laws often provide for broad discovery (such as encouraging the sharing of information among parties to a lawsuit). Why do you think discovery is encouraged? Is it the purpose of a lawsuit for parties to reveal their "show stopping " evidence at trial?

Discovery is encouraged so they can be properly prepared for the trial. Discovery is the process of exchanging the information between the parties that will be presented at trial. The purpose is to make the parties aware of the evidence that may be presented at trial. The process prevents an ambush where one side does not learn of the other sides evidence or witnesses until the trial. Surprises or information that affect the outcome of the case can be avoided.