Avoiding malpractice litigation and defending claims of negligence

CPD QUESTIONNAIRE

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1. Negligence is a legal concept that describes a failure to attain a reasonable standard of care.

☐ **A** True ☐ **B** False

2. Which statement is false?

☐ **A** It is unnecessary to remind the patient that they have a right to seek a second opinion
☐ **B** Any competent adult can refuse treatment
☐ **C** All of the above ☐ **D** None of the above

3. Which of the following are minimum statutory requirements of the informed consent process?

☐ **A** Diagnostic uncertainties including options for, and the purpose of, further investigation
☐ **B** Details of what a patient might experience during a procedure
☐ **C** Discussion of any serious or frequently occurring risks and lifestyle changes that may be caused or necessitated by the treatment
☐ **D** All of the above ☐ **E** A and C only

4. In South Africa, the limitation period for bringing a claim of clinical negligence is five years from the date on which a patient becomes aware of a problem.

☐ **A** True ☐ **B** False

5. What is the primary function of medical record-keeping?

☐ **A** To provide contemporaneous evidence against malpractice litigation claims ☐ **B** To safely and effectively facilitate continuity of care
☐ **C** To fulfil the statutory obligations of the National Health Act

6. Good medical record-keeping should:

☐ **A** Enable a reconstruction of the essential points of each patient contact
☐ **B** Be comprehensive enough to allow a colleague to carry on where the original practitioner has left off
☐ **C** Be characterised as contemporaneous, comprehensible and accurate
☐ **D** All of the above ☐ **E** A and C only

7. Which features are deemed an absolute minimum necessity for each patient's medical records?

☐ **A** Biopsychosocial history of the patient, including allergies and idiosyncrasies ☐ **B** Written proof of informed consent, where applicable
☐ **C** Proposed clinical management of the patient ☐ **D** All of the above
☐ **E** B and C only

8. Common pitfalls in medical record-keeping that compromise patient safety include:

☐ **A** Failure to record negative findings ☐ **B** Failure to record drug allergies or adverse reactions
☐ **C** Altering notes after the consultation or treatment ☐ **D** All of the above
☐ **E** A and B only

9. It is unnecessary to record the relevant reasons and dates when booking a patient off work.

☐ **A** True ☐ **B** False

10. From a risk management perspective on medical record-keeping, it is important to record:

☐ **A** Differential diagnoses, with reasons for ruling out or preferring a potential diagnosis
☐ **B** Details of discussions on risks/benefits of proposed treatments, including risks of no treatment
☐ **C** Any advice/warnings given to the patient
☐ **D** All of the above ☐ **E** A and B only

11. It is particularly important to make a note of any instructions given to patients about what to do if their symptoms change, persist or worsen.

☐ **A** True ☐ **B** False

12. Which statement is false?

☐ **A** The central tenet of litigation is burden of proof, which is the claimant's responsibility
☐ **B** In the absence of medical records, the practitioner cannot be found guilty of negligence
☐ **C** All of the above ☐ **D** None of the above

13. For damages to be awarded to a claimant, which of the following requirements need to be proved?

☐ **A** Duty of care ☐ **B** Breach of duty of care ☐ **C** Causation
☐ **D** All of the above ☐ **E** A and B only

14. Which statement is true?

☐ **A** When covering for a colleague, duty of care is initiated only after having consulted with the patient
☐ **B** Guidelines can furnish a standard of care against which the average practitioner should be judged
☐ **C** All of the above ☐ **D** None of the above

15. Which statement is false?

☐ **A** Causation inherently implies that harm has unequivocally occurred as a direct result of negligence
☐ **B** In South Africa, a practitioner cannot be found guilty of culpable homicide in the case of medical negligence
☐ **C** All of the above ☐ **D** None of the above