

New Hire Negligence Training

Participant Guide



Welcome

In this training, you will learn the 4 elements of negligence as well as the legal standards for determining negligence. You will also have the opportunity to discuss real-life medical negligence cases.

Icebreaker (Write down your answers to the following questions to share with your small group.)

1. What is your favorite medical TV show?
2. Who is your favorite character on that show?
3. Recall a time when one of the medical practitioners on that show committed what you believe to be negligence.

Danielle's Scenario: Is it Negligence?

Write down your notes as you discuss this in your breakout group.

What is negligence?

What are the 4 Ds of Negligence?

1. _____
2. _____
3. _____
4. _____

4 Ds of Negligence Video

Write your notes from the video here:

Negligence - Legal Standards

Write down your notes here:

What are three situations that do not constitute negligence?

1. _____
2. _____
3. _____


Small Group Activity: Medical Negligence Case

Your facilitator/trainer will assign one of the following scenarios to your group.

Scenario A:



Scenario B:

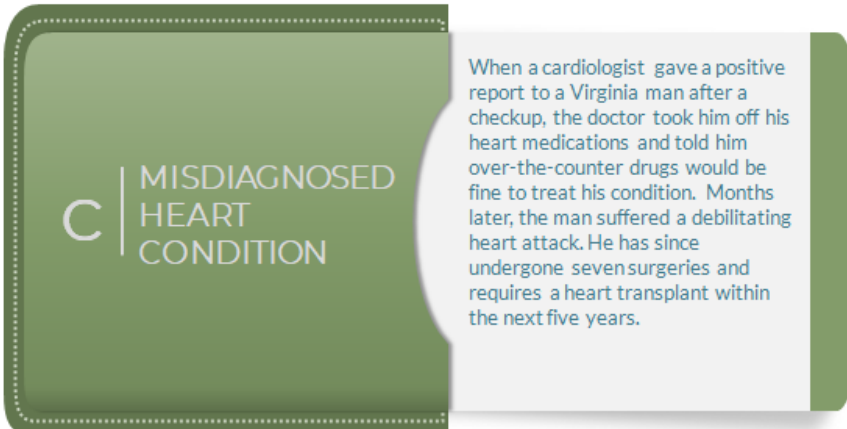


The card for Scenario B is titled "BREAST CANCER MISDIAGNOSIS" with a large letter "B" to the left. The text on the right side of the card describes a case where a New York woman's benign lump was misdiagnosed as benign by a doctor, leading to a mastectomy and chemotherapy after it was discovered to be cancerous a year later.

B | BREAST CANCER MISDIAGNOSIS

A New York woman discovered a lump in her chest; however, upon examination, her doctor said the lump was benign. When over a year later the woman's lump had doubled in size, it was discovered as cancerous. Her condition required a mastectomy, radiation treatments and chemotherapy.

Scenario C:



The card for Scenario C is titled "MISDIAGNOSED HEART CONDITION" with a large letter "C" to the left. The text on the right side of the card describes a case where a Virginia man was misdiagnosed with a heart condition, leading to a heart transplant after a debilitating heart attack and seven surgeries.

C | MISDIAGNOSED HEART CONDITION

When a cardiologist gave a positive report to a Virginia man after a checkup, the doctor took him off his heart medications and told him over-the-counter drugs would be fine to treat his condition. Months later, the man suffered a debilitating heart attack. He has since undergone seven surgeries and requires a heart transplant within the next five years.

Write down your notes here as you and your group discuss the case assigned to you by your facilitator/trainer. Be prepared to present your analysis to the whole group.

Questions

Use this space to keep track of any questions you may have.

Knowledge Check Questions

Write your answers in the spaces provided.

1. _____ Which of these is NOT one of the 4 Ds of negligence?
 - a. Duty
 - b. Dereliction
 - c. Direct cause
 - d. Distraction
 - e. Damages

2. _____ Due care is the amount of care that an unreasonable person would give under the circumstances.
 - a. True
 - b. False

3. _____ At least 3 out of 4 elements of negligence must be present to have a cause of action.
 - a. True
 - b. False

4. In 1-2 paragraphs, summarize the legal standards for determining negligence.

5. Read the scenario below. Does the scenario constitute negligence? Why or why not? Write a 2-3 paragraph analysis discussing the 4 elements of negligence and the legal standards for determining negligence.

Scenario: Annie is being treated by Dr. George for kidney disease. Dr. George has seen Annie in his office every three months and has ordered and analyzed Annie's completed blood work each time, as is the standard of care for her level of disease. Annie is on dialysis, but has missed her last three dialysis appointments. Suddenly Annie dies due to her kidneys failing. Her family sues Dr. George. Do they have a case for negligence? Why or why not.

[illegible]

Thank you. Congratulations on completing this training!