

HEALTH LAW MIDTERM EXAM - ANSWERS

Professor Pope – Spring 2026

Multiple Choice Questions – 20 x 2 = 40 points

1 D	5 A	9 D	13 B	17 B
2 C	6 A	10 A	14 D	18 D
3 A	7 D	11 A	15 A	19 D
4 G	8 C	12 E	16 C	20 B

Essay Question 1 (10 points)

Declan v Woof		
PTF needs a Tx relationship to sue for medical malpractice (though there are rare exceptions).		1
Because PTF and DEF have no Tx relationship, PTF has no claim.		2
Gnome v. Nine		
PTF needs a Tx relationship to sue for medical malpractice.		1
Only formal consults create a Tx relationship.		1
This consult was only informal given the low level of contact/engagement.		2
But the treating MD conveyed “detailed information.”		2
The analysis might be different in MN where foreseeability, not a Tx relationship is required.		1

Essay Question 2 – 10 points

Informed Consent		
Duty	PTF and DEF are in a Tx relationship because DEF is treating PTF.	1
	The risks are serious, so R-Pt would want to know.	2
	The risks are serious, so RP-MD would disclose them (if that is the test in this state).	1
Breach	DEF did not disclose the adverse reaction.	1
Injury	Pt suffered transient but asthma reaction.	1
Causation	Without breach, Pt likely would have treated otherwise – to avoid asthma reaction.	1
	Without breach, R-Pt likely would have treated his condition otherwise.	1
	Without drugs, Pt likely would have avoided reaction (no asthma for long time).	1
	But ... what are risks of other Tx options? Are they lower?	1

Essay Question 3 – 10 points

Original Arrival		
Admission in good faith (shown by 6D) excuses any screening or stabilization duties (except 6 th Cir).		1
Discharge		
Pt was an inpatient at the time. EMTALA does not apply to inpatients.		1
Second Arrival		
Pt was on hospital property seeking Tx		2
That triggered the hospital's duty to screen.		2
Hospital did not screen.		2
Hospital may have known of EMC (from EMTs) and failed to stabilize.		2

Essay Question 4 – 30 points

First Visit		--
Hospital failed to provide a uniform screening to Pt– using its “standard” tests.		5
Second Visit		--
Hospital identified EMC from screening. But hospital failed to stabilize it before transfer/discharge.		5
Third Visit		--
Hospital identified EMC and made a pre-stabilization transfer - per EMTALA rules.		5
But hospital failed to get consent from the transferee facility. (Reportable but not a claim by this PTF.)		3
Informed Consent		--
Duty – The risks were serious, so R-Pt would want to know. Or R-MD would disclose.		4
Breach – MD did not disclose.		2
Injury – Ruptured ectopic pregnancy.		2
Causation – Pt would have sought care across the border or elsewhere sooner than 2 days. R-Pt would do too given the high stakes. That would have likely avoided ruptured ectopic pregnancy. (Note: alternative is not to take the drug versus leaving. That still would not have been an option even with disclosure.)		4