

Table of Contents

CHAPTER 1. UNIQUE CHARACTERISTICS OF HOSPITALS

- § 1:2 Theories of hospital liability
- § 1:2.10 Immunities and limitations on liability *[New]*
- § 1:2.20 Case example—Wunderly v. Saint Luke’s Hospital of Bethlehem *[New]*

CHAPTER 3. CREDENTIALING AND PRIVILEGE GRANTING

- § 3:22 Corporate liability for negligent credentialing

CHAPTER 4. PEER REVIEW

- § 4:3 Case example: Fridena v. Evans
- § 4:5.10 Patient Safety and Quality Improvement Act of 2005 (PSQIA) *[New]*

CHAPTER 5. PATIENT RIGHTS

- § 5:3 Component elements of patient rights
- § 5:20.50 Confidentiality of information *[New]*

CHAPTER 6. NURSING

- § 6:5.50 Case example: THI of Texas at Lubbock I, LLC v. Perea *[New]*
- § 6:14 The electronic medical record

CHAPTER 7. SEXUAL ASSAULT

- § 7:6.50 Case example: Evans v. Akron Gen. Med. Ctr. *[New]*
- § 7:12 Sexual assaults by physicians
- § 7:16 Conclusion

CHAPTER 9. HIGH RISK DEPARTMENTS: PREVENTING CATASTROPHIC EVENTS

- § 9:18.10 EMTALA and psychiatric and behavioral health emergencies—Moses v. Providence Hospital and Medical Centers, Inc. *[New]*

CHAPTER 10. GEOGRAPHICALLY-BASED MEDICAL DEPARTMENTS

- § 10:10 Case example: Mejia v. Community Hospital of San Bernardino
- § 10:10.10 Case example: Popovich v. Allina Health System *[New]*
- § 10:10.20 Case Example: Wicks v. Antelope Valley Healthcare District *[New]*
- § 10:10.30 Towner v. Bernardo *[New]*
- § 10:10.40 Case Example: Gagliano v. Advanced Specialty Care, P.C.
- § 10:10.50 Case example: Arrendale v. Am. Imaging & MRI, LLC *[New]*
- § 10:10.60 Case example: Franklin v. Santa Barbara Cottage Hosp. *[New]*
- § 10:10.70 Case Example: Est. of Essex by & through Essex v. Grant Cnty. Pub. Hosp. Dist. No. 1 *[New]*
- § 10:10.80 Case example: Wilcox v. Advoc. Condell Med. Ctr. *[New]*
- § 10:10.90 Case example: Stewart v. Florida Health Sciences Center, Inc. (d/b/a Tampa General Hospital), et al. *[New]*
- § 10:10.95 Case example: McLaughlin v. Nahata
- § 10:10.110 Case example—Markel v. William Beaumont Hospital *[New]*
- § 10:10.120 Case example—Roessler v. Novak *[New]*
- § 10:10.130 Case example—Trujillo v. Presbyterian Healthcare Services, Inc. *[New]*
- § 10:11.50 Case example: St. Dominic-Jackson Mem'l Hosp. v. Newton *[New]*
- § 10:11.60 Case Example: Bush v. Columbia Medical Center of Arlington Subsidiary, L.P. *[New]*
- § 10:16 Hospital liability for emergency room physicians who are independent contractors—Checklist *[New]*

CHAPTER 11. RETENTION AND MAIN- TENANCE OF HOSPITAL RECORDS *[New]*

- § 11:1 Introduction

TABLE OF CONTENTS

- § 11:2 Patient health information
- § 11:3 The electronic medical record
- § 11:4 Administrative records: Policies, procedures, protocols
- § 11:5 Administrative records: Medical staff bylaws, rules, regulations, credentialing policies
- § 11:6 Record retention policy
- § 11:7 Conclusion

CHAPTER 12. HOSPITAL INFECTIONS *[New]*

- § 12:1 Introduction
- § 12:2 Litigating hospital infection cases
- § 12:3 Case example: Visalli v. Cohen, M.D. and Winthrop University Hospital
- § 12:4 “Never events”
- § 12:4.10 Proof of hospital-acquired infection—Checklist
- § 12:5 Elements of discovery
- § 12:6 Conclusion

CHAPTER 13. SEPSIS

- § 13:1 Introduction *[New]*
- § 13:2 The hospital’s role in diagnosis and treatment of sepsis *[New]*
- § 13:3 Case Study: Rory Staunton *[New]*
- § 13:4 Conclusion *[New]*

CHAPTER 14. SEXUAL ASSAULT IN LONG TERM CARE FACILITIES

- § 14:1 Introduction *[New]*
- § 14:2 Sexual assault: Scope of the problem *[New]*
- § 14:3 Written policies & procedures *[New]*
- § 14:4 Employment criteria *[New]*
- § 14:5 Staff training *[New]*
- § 14:6 Role of Department of Health Services (DHS) and Joint Commission Surveyors *[New]*
- § 14:7 Potential sexual perpetrators/predators *[New]*
- § 14:8 Duty to screen prospective residents *[New]*
- § 14:9 Prevention of intruder-on-resident sexual assaults *[New]*
- § 14:10 Sexual rights of residents *[New]*
- § 14:11 Disclosure of ownership *[New]*
- § 14:12 Conclusion *[New]*
- § 14:13 Discovery elements *[New]*

CHAPTER 15. THE PATIENT PROTECTION & AFFORDABLE CARE ACT

- § 15:1 Introduction *[New]*
- § 15:2 Title III *[New]*
- § 15:2.50 Accountable Care Organizations *[New]*
- § 15:2.75 Partnership for Patients Campaign *[New]*
- § 15:3 Title VI—Create greater transparency by imposing new requirements to provide information to the public on the health system *[New]*
- § 15:4 Conclusion *[New]*

CHAPTER 16. MEDICATION MANAGEMENT

- § 16:1 Introduction
- § 16:2 Availability of medications
- § 16:3 Support for prescribers
- § 16:4 Clinical and administrative responsibilities of the hospital pharmacist
- § 16:5 Drug warnings
- § 16:6 High alert and hazardous medications
- § 16:7 Antibiotic stewardship
- § 16:8 Computerized Physician Order Entry (CPOE)
- § 16:9 Issues related to medication management
- § 16:10 Elements of Discovery

CHAPTER 17. THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT

- § 17:1 Introduction
- § 17:2 Title I requirements: employment
- § 17:3 ADA Title I and Joint Commission standards
- § 17:4 ADA Title III requirements: Public accommodation
- § 17:5 Service animals
- § 17:6 Communication with patients
- § 17:7 Legal duty of care
- § 17:8 Physical accessibility

CHAPTER 18. ACCOUNTABILITY FOR PATIENT INJURIES

- § 18:1 Introduction
- § 18:2 Non-delegable accountability
- § 18:3 Organizational structure

TABLE OF CONTENTS

§ 18:4	Sentinel event alerts
§ 18:5	Case example: Leung v. Verdugo Hills Hospital
§ 18:6	Nursing errors and negligence
§ 18:7	Case example: Tran v. Patton et al
§ 18:8	Healthcare systems
§ 18:9	Case example: Patient X v. Healthcare System
§ 18:9.10	Statute limiting health care provider's liability for Covid-19 related care overruled: <i>Roebuck v. Mayo Clinic [New]</i>
§ 18:10	Conclusion

CHAPTER 19. CORPORATE NEGLIGENCE IN HEALTHCARE SYSTEMS [New]

§ 19:1	Introduction
§ 19:2	Case examples: Piercing the corporate veil
§ 19:3	Elements of discovery in health system litigation
§ 19:4	Conclusion

Table of Laws and Rules

Table of Cases

Index