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Question: 1

What is an example of an intentional tort?

- A. A nurse fails to observe adverse effects after administering a medication.
- B. A shed containing toxic chemicals explodes, exposing nearby residents.
- C. A physician administers a blood product to a Jehovah's Witness despite explicit refusal by patient.
- D. A person swinging a bat during a baseball game loses grip, and the bat injures a bystander.

Answer: C

Explanation:

Administering a blood product to a Jehovah Witness despite the patient's explicit refusal is an example of an intentional tort because the physician, the tortfeasor (wrongdoer) carried out the act with intention, ignoring the patient's refusal while understanding that it might cause the patient emotional stress. This type of intentional tort may be considered an act of battery by the physician even though the underlying intent may have been to save the patient's life.

Question: 2

When initially screening a medical-related plaintiff case to determine if it is meritorious, what should the CLNC focus on?

- A. Strengths of the case
- B. Weaknesses of the case
- C. Extent of injury
- D. Availability of testifying expert

Answer: B

Explanation:

While all of these are important, the CLNC should focus on the weaknesses of the case, as this may be the primary factor for the attorney deciding whether or not to take a case, especially since the attorney may not receive any compensation if the case is too weak to win. Strengths and extent of injury are also important. For example, pursuing a case for minor injuries may not be cost-effective. Availability of testifying experts is a concern but less so during the initial screening.

Question: 3

Following discovery but pre-trial, the parties in a dispute agree to sit down with a third party (a judge) to try to reach a voluntary settlement. What is this type of alternative dispute resolution (ADR) called?

- A. Arbitration
- B. Mini-trial
- C. Summary trial
- D. Mediation

Answer: D

Explanation:

Mediation: Involves both parties to a dispute sitting down with a third party to try to work out a voluntary settlement. Arbitration: Allowing a third party to hear a dispute at a formal hearing after which the third party makes an award or decision. Mini-trial: Attorneys present abbreviated cases to a neutral party or advisory jury selected from both parties to the dispute. The opinion is nonbinding. Summary jury trial: Attorneys present abbreviated cases to a jury (selected from the jury pool), which renders a nonbinding advisory judgment.

Question: 4

A client experiences a severe reaction to the formaldehyde fumes in a carpet installed in the home and is suing the manufacturer for medical damages. This type of case is classified

- A. criminal.
- B. general negligence.
- C. toxic tort.
- D. product liability.

Answer: C

Explanation:

A toxic tort involves chemical exposure that results in the person's injury or disease. Toxic torts may arise from consumer-product exposure, such as the formaldehyde-treated carpet', occupational exposure, such as from industrial chemicals or pesticides: and pharmaceuticals, such as a drug that caused unexpected adverse effects (often to large numbers of people). Toxic substances frequently implicated in toxic tort cases include asbestos, pesticides, silica, and benzene. Toxic exposure may occur directly (such as from being sprayed with pesticides or taking of medications) or indirectly (such as from drinking contaminated groundwater).

Question: 5

When screening medical records for tampering, which of the following should be an alert?

- A. There is a mismatch in the ink color from one part of an entry to another.
- B. The medical report does not include billing statements.
- C. The MRI report does not include films.
- D. The incident report is missing from the medical record.

Answer: A

Explanation:

Any mismatch of ink or pressure of writing may indicate that tampering of the medical record has occurred. Other signs of tampering include erasures, words obliterated or crossed out so they are unreadable, crowding of entries, and differences in handwriting, such as different slant to writing, or too much uniformity, which may indicate an attempt to copy someone's handwriting. Incident reports, films, MRI films, and billing statements must be requested separately as they are not part of the medical record.

Question: 6

When preparing a written report of a medical malpractice case that involves extensive medical terminology, what is the best practice?

- A. Include a vocabulary list with definitions in an addendum.
- B. Ask the client/attorney if he or she needs definitions.
- C. Place definitions in footnotes.
- D. Place definitions in parentheses following terms in the body of the report.

Answer: D

Explanation:

Reports should be written so that they can be scanned and read rapidly and easily understood, so definitions should be included in the body of the report, usually in parentheses after the medical term, so that the reader does not need to look elsewhere for information. Definitions should be simple and should cover medical terms as well as abbreviations. The CNLC should anticipate the questions that might arise and attempt to address those issues in the report.

Question: 7

Which theory of vicarious liability applies when an employer is considered directly responsible for negligence of its employees toward clients?

- A. Employer's liability
- B. Respondeat superior
- C. Ostensible agency
- D. Direct corporate liability

Answer: B

Explanation:

Respondeat superior: An employer is considered directly responsible for negligence of its employees toward clients. Ostensible liability: An employer is responsible for negligence of independent contractors employed as agents for the employer. Direct corporate liability: A

corporation has legal responsibilities and is responsible for negligent acts of the corporation and its agents. Employer's liability: This is not a form of vicarious liability but is direct responsibility for negligent acts of an employer toward employees.

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