

Health Law Final Exam Answers - Prof. Pope (June 2025)

Short Answer			
1	A doctor's office is subject to both the ADA and Section 1557.		5
2	PTF can assert claims under ADA and Section 1557.		5
3	The relevant category is disability (hearing impairment).		5
4	This doctor is like the DEF in <i>Bragdon</i> , relying on stereotypes not evidence.		5
5	While not successful, DEF can argue that he never formed relationship and/or he had a legitimate basis for refusal (i.e. patient's needs were outside his competence).		5
6	If facts are taken as true, then rule for PTF.		5
7	The most obvious claim is abandonment because DEF had already begun the visit and had invited walk-ins. The DEF could also be subject to licensing discipline.		5
8	The disclaimer is probably not sufficient. Most courts find that they are not sufficient to dispel apparent/ostensible agency.		5
9	Even if the disclaimer were enforced, PTF could sue hospital under directly liability theories. In some states the non-delegable duty doctrine could still support vicarious liability.		5
10	Economic resources adjust the applicable SOC.		5
11	Even if resources were limited, DEF should provide informed consent about diagnostic limits. With that information, the patient might have sought care elsewhere.		5
Short Essay			
1	Claim is not barred by SOR because 3 years runs from the end of course of treatment.		7.5
	Claim is barred by SOL because PTF was on notice more than 2 years before filing.		
	PTF does not need definitive medical confirmation to be on notice/discovery.		
2	PTF has sufficient evidence of causation.		7.5
	A mere possibility of an alternate cause does not foreclose probability of negligence causing the injury.		
Long Essay			
Dr. Snip	Informed consent	DUTY – DEF failed to disclose (1) his COI, (2) the importance of returning for more tests, (3) the surgical error rate. RPP would deem this information important.	2
		CAUSATION - With disclosure PTF probably would have used contraception until confirmation. If so, PTF would probably have avoided pregnancy.	2
	Malpractice 1	BREACH – DEF failed to convey the test results himself as is customary.	2
	Malpractice 2	NO BREACH - While DEF used an alternative vasectomy method, it is probably accepted enough to constitute a school of thought.	
Nurse	Malpractice	Negligently read/reported test results.	2
WDU	Vicarious	Employer is liable for employee Dr. Snip's torts above.	2
		Employer is liable for employee nurse's torts above.	2
	Direct	WDU did not train nurse as a reasonable clinic would/does.	2
		WDU retained nurse despite her being drunk and unreliable. No reasonable facility would have done this. This may even support punitive damages.	2
		WDU did not have reasonable processes and procedures for testing.	2
Defenses	Comparative negligence	PTF did not return for more follow-up tests as recommended.	2
	SOR	BARRED - It is already more than 4 years after some malpractice described above. But the constitutionality of the SOR is uncertain.	2
		NOT BARRED – It may not be 4 years after the test results.	
	SOL	NOT BARRED - PTF was no notice of his wife's pregnancy (and thus of potential malpractice) just weeks ago.	2
		BARRED - PTF was arguably already on notice when his girlfriend became pregnant.	2
Clarity	Organization	Apart from issue spotting and analysis, how clearly is the answer organized and presented	4