

HEALTH LAW MIDTERM EXAM - ANSWERS

Professor Pope – Spring 2025

Multiple Choice Questions – 35 x 1.43 = 50 points

1 D	8 D	15 C	22 A	29 A
2 A	9 A	16 D	23 A	30 A
3 B	10 C	17 A	24 D	31 D
4 D	11 C	18 F	25 A	32 B
5 D	12 C	19 D	26 E	33 A
6 A	13 B	20 A	27 D	34 A
7 D	14 C	21 A	28 E	35 A

Essay Question 1 – 10 points

SRMC – EMTALA claims	--
No negligent screening because H did everything it could.	3
No failure to stabilize because H did not know of EMC. Plus, H wanted to transfer with certification. But PTF declined.	3
SRMC ED MD – Informed consent	--
MD failed to advise PTF to follow up fast.	1
MD had a duty to disclose in any jurisdiction. PTF + RPP would want to know of urgency. A RP-HCP probably discloses urgency in this situation.	2
With disclosure, PTF + RPP would have followed up. With timely follow-up PTF vision probably could have been saved.	1
TOTAL	10

Essay Question 2 – 10 points

Formation	--
Monica offered to treat and did treat PTF.	3
PTF reasonably thought that DEF agreed to treat him.	3
If there is uncertainty, construe DEF conduct from the perspective of PTF.	1
Medical Malpractice	--
Since there was a treatment relationship, Monica had a duty to treat consistent with the applicable SOC – even if this was pro bono.	3
TOTAL	10

Essay Question 3 – 10 points

EMTALA duties	--
H has a duty to screen and stabilize all patients who arrive.	2
There are no exceptions for undocumented patients.	2
EMTALA enforcement	--
Even if the OIG declines to impose CMP for EMTALA violations, there are other enforcement pathways.	2
If undocumented patients are denied screening or stabilization, they can sue the hospital for damages in court.	2
Section 1557	
Denying ED care to undocumented patients based on their undocumented status likely violates Section 1557 prohibition on national origin discrimination.	2
But the H could argue that its discrimination is instead based on citizenship or immigration status.	--
TOTAL	10

Essay Question 4 – 20 points

MDH - Patient A	--
Failure to screen - transferred without any screening and without certification	3
No failure to stabilize because EMC was unknown	
MDH - Patient B	--
Failure to screen per P&P	3
No failure to stabilize because EMC was unknown	
MDH - Patient C	--
No violation	3
Screening was per P&P - even if inaccurate	
No failure to stabilize because EMC was unknown	
MDH - Patient D	--
Failure to stabilize a known EMC	3
Transferred un-stabilized patient without certification	
MDH - Patient E	--
No violation	3
Screening was per P&P and EMC identified	
EMC was stabilized	
EMTALA duties ended transfer after stabilization	
BBB – Patients A, D	--
BBB was aware that MDH transferred patients who should not have been transferred.	5
BBB had a duty to report this to HHS but did not.	
TOTAL	20