Test Bank for Legal and Ethical Aspects of Health Information Management 5th McWay

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TRUE/FALSE

1 : The first step of every lawsuit is the pretrial conference.
A : true
B : false

Correct Answer : B

2 : A summons is a document to start a civil action and acquire jurisdiction over a defendant.
A : true
B : false

Correct Answer : A

3 : In mediation, a neutral third party assists both sides of a dispute in resolving their differences and reducing their resolution in writing.
A : true
B : false

Correct Answer : A

4 : Satisfying the judgment is when the winning party is paid.
A : true
B : false

Correct Answer : A

5 : Methods of dispute resolution to resolve conflicts and disagreements are called alternative dispute resolution.
A : true
B : false

Correct Answer : A

MULTIPLE CHOICE

6 : Personal jurisdiction refers to:
A : authority over parties involved.
B : authority over questions at issue.
C : locations where trials are conducted.
D : locations where trial parties reside.

Correct Answer : A

7 : Cases that have subject matter jurisdiction and that are limited by the U.S. Constitution and statute have _____ jurisdiction.
A : diversity
B : federal question
C : general
D : supreme

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Correct Answer : B

8 : Diversity jurisdiction is specific to:
A : authority over the question at issue that resulted in a case.
B : citizens of different states as well as the federal courts.
C : general jurisdiction, which does not limit subject matter.
D : state citizens where amounts in controversy are over $75,000.

Correct Answer : B

9 : The jurisdiction for medical malpractice cases:
A : always falls to state courts.
B : could be either state or federal.
C : depends on the defendant's citizenship.
D : is dependent on the plaintiff's citizenship.

Correct Answer : B

10 : Which statement is true of a supreme court, except in New York State?
A : The supreme court is a court of last resort.
B : Any party dissatisfied with a decision may take their case to the supreme court.
C : The supreme court must hear any case requested.
D : Supreme court judges are nominated and confirmed by Congress.

Correct Answer : A

11 : According to the Constitution, which branch has been granted the power to establish lower federal courts?
A : Congress
B : House of Representatives
C : Senate
D : Supreme Court

Correct Answer : A

12 : Trial courts in the federal system are called _____.
A : appellate
B : criminal
C : district
D : supreme

Correct Answer : C

13 : The U.S. Supreme Court decides which cases to hear:
A : according to severity of decision.
B : by a *writ of certiorari*.
C : based on a lottery.
D : on a first come basis.

Correct Answer : B

14 : State supreme courts (except in New York State):
A : decide which cases to hear via *writ of certiorari*.

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B : hear appeals from the intermediate appellate courts
C : maintain guidelines concerning the type of cases.
D : try appeals from state courts involving the Constitution.

Correct Answer : B

15 : The admissibility of the health record into evidence is guided by Federal _____.
A : Bill of Rights
B : CFR 21
C : Civil Procedure Rules of Evidence
D : HIPPA statutes and regulations

Correct Answer : C

16 : Article X of the Evidence Rules allows:
A : an exact duplicate copy to serve as evidence in lieu of an original.
B : for expert testimony to be presented during the court case.
C : for exceptions to attorney-client privilege during a hearing.
D : the family to testify as witnesses during depositions and court cases.

Correct Answer : A

17 : The person who initiates a lawsuit is the _____.
A : attorney
B : defendant
C : plaintiff
D : surrogate

Correct Answer : C

18 : The defendant’s reply to the allegations of a lawsuit is called the _____.
A : answer
B : complaint
C : counterclaim
D : summons

Correct Answer : A

19 : _____ can be defined as those devices or tools used by one side to obtain facts and information about the case.
A : Investigation
B : Discovery
C : Wire tapping
D : Motions

Correct Answer : B

20 : A deposition is a:
A : formal request for information from another entity.
B : request for specific documents from a health care facility.
C : testimony provided under oath outside of the courtroom.
D : written question presented to a party to obtain admissions of certain fact(s).

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Correct Answer : C

21 : The questions presented to a party used to gather evidence are part of a(n) _____.
A : deposition
B : interrogatory
C : mental examination
D : request for admission

Correct Answer : B

22 : Electronically stored information (ESI) includes all forms of electronic data, and it is the principal subject matter for _____.
A : acquisition of digital media
B : computer database management
C : early case assessment
D : electronic discovery

Correct Answer : D

23 : When records are modified or destroyed, it is referred to as _____.
A : destruction
B : non-native format
C : non-preservation
D : spoliation

Correct Answer : D

24 : In addition to supplying the record, the person who possesses the record could be compelled to deliver it at a certain time and place if the request is accompanied by a _____.
A : request for production
B : judicial process of health information
C : rule of civil procedure
D : subpoena *duces tecum*

Correct Answer : D

25 : The authority by which courts and judicial officers may hear and decide a case is called _____.
A : authority
B : jurisdiction
C : mediation
D : sovereignty

Correct Answer : B

26 : The two main types of jurisdiction involve _____ authority.
A : alternative dispute resolution and mediation
B : dualism and pluralism
C : global and universal
D : personal and subject matter

Correct Answer : D

27 : Under which jurisdiction is the following categorized: most issues involving the regulation of trades

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and professions.
A : Federal courts
B : State courts
C : Special
D : Supplemental

Correct Answer : B

28 : Diversity jurisdiction includes a form of subject matter jurisdiction whereby US district courts (e.g., trial courts of general jurisdiction in the federal judiciary) have the power to hear a _____ case where the parties are “diverse” in citizenship, indicating that they are citizens of different states or non-U.S. citizens.
A : civil
B : contract
C : criminal
D : customs

Correct Answer : A

29 : The stages through which a lawsuit passes are called the _____ process.
A : appeal
B : complaint
C : interrogatory
D : legal

Correct Answer : D

30 : The person being sued is called the _____.
A : court clerk
B : defendant
C : judge
D : plaintiff

Correct Answer : B

31 : The written document that describes the grounds of jurisdiction, plaintiff’s claim, and demand for relief is called the _____.
A : appeal
B : complaint
C : decision
D : interrogatory

Correct Answer : B

32 : The answer to a complaint that is made by the defendant is called the _____.
A : appeal
B : decision
C : interrogatory
D : written response

Correct Answer : D

33 : Which is the name of the process used by the defendant (or plaintiff) to obtain facts and information

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about the case from the plaintiff (or defendant)?
A : Appeal
B : Discovery
C : Legal process
D : Trial

Correct Answer : B

34 : Federal Rules of Civil Procedure governs all forms of discovery performed in federal court, including seeking information that is stored electronically in any medium, which is called _____.
A : court order
B : e-discovery
C : metadata
D : subpoena *duces tecum*

Correct Answer : B

35 : Which is the unseen information that is located in common text files, such as that which can indicate when the document was created?
A : Data dictionary
B : Data virtualization
C : Hypermapping
D : Metadata

Correct Answer : D

36 : What term refers to the actions of a party who processes data to make efforts to prevent routine destructions and preserve electronically stored data?
A : Court order
B : Litigation hold
C : Restraining order
D : Subpoena *duces tecum*

Correct Answer : B

37 : Which is a letter sent by an adversary in a court case that explains the need to preserve electronic evidence?
A : Legal hold
B : Notice of preservation
C : Subpoena *duces tecum*
D : Temporary court order

Correct Answer : B

38 : An order of preservation results in _____.
A : alteration of evidence
B : failure to protect data
C : preservation of electronic data
D : wrongful destruction of data

Correct Answer : C

39 : Spoliation of evidence occurs as a result of _____.

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A : claims that had been injured by a defective product, which was discarded or lost
B : negative evidentiary inference that is *irrelevant* to an ongoing legal proceeding
C : *unconsciousness of guilt* or *lack of motivation* to prevent evidence from being used
D : wrongful destruction or alteration of evidence and/or failure to preserve data

Correct Answer : D

40 : When the case is tried before a jury, it is called a jury _____.
A : appellate proceeding
B : hearing
C : trial
D : warrant

Correct Answer : C

41 : A notice of preservation _____.
A : notifies the opposing party of the need to preserve relevant electronic evidence
B : requires the opposing party to preserve electronic evidence and paper-based records
C : serves to facilitate the production of automated and paper-based health records
D : treats paper-based health records as more important than automated health records

Correct Answer : A

42 : Spoliation is _____.
A : accidental damage to a health record
B : litigation holds that impact health records
C : lying under oath during a court proceeding
D : wrongful destruction or alteration of evidence

Correct Answer : D

43 : What is the action of a party who possesses data to make efforts to prevent routine destruction of electronically stored information?
A : Litigation hold
B : Notice of preservation
C : Order of preservation
D : Production of things

Correct Answer : A

MATCHING

44 : Match each term to its correct description.

A : Written command requiring witness to come to court to testify and at the time produce for use as evidence of papers, documents, books, or records listed in the subpoena.	A : E-Discovery
B : Discovery that focuses on information stored electronically.	B : Subpoena duces tecum
C : Use of a neutral third party to hear both sides of a dispute and render a written decision, called an award.	C : Arbitration

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D : A court order requiring a party to preserve electronic and other evidence, regardless of the party's need to engage in routine deletion or destruction practices and procedures.

D : Order of preservation

Correct Answer :
A : B

B : A

C : C

D : D

ESSAY

45 : List the steps of a civil lawsuit.

Correct Answer : ComplaintDiscoveryPretrial conferenceTrialAppealSatisfying the judgment

46 : Explain two methods of discovery.

Correct Answer : ?Deposition—Testimony given under oath outside the courtroom pursuant to a subpoena.Interrogatories—Written questions presented to a party or witness designed to gather information.Production of documents—Inspection and/or copying of documents or other physical evidence upon written request.Physical/mental examination—Ordered by the court upon a party's request with good cause shown.Requests for admissions—Written questions presented to a party designed to obtain admission of a certain fact.

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