

Legal Case Study Assignment Instructions

Legal Case Study: “Wrong Toe”

John Davis, a 60-year old diabetic patient comes to the hospital for surgery involving amputation of the second toe on his right foot. The surgeon, Dr. Jones, is very busy with other surgical cases, so he tells the hospital nurse, Sara Smith, to discuss the surgery with the patient, complete the informed consent form and have him sign the form. Sara Smith has heard Dr. Jones discuss this procedure with patients before, so she feels comfortable with obtaining the informed consent. On the day of surgery, hospital staff do not mark the surgical site, even though hospital policy requires it. During the surgery, Dr. Jones gets confused about which toe he is operating on, and amputates the wrong one. John Davis must undergo additional surgery to have the correct toe amputated, and now has trouble ambulating due to the loss of two toes.

Assignment Instructions:

1. Based on what you have learned about healthcare law, regulations, and risk management in this unit, **come to consensus as a team** on the claims that John Davis has against the hospital, Dr. Jones, and Sara Smith, by addressing the questions listed below as well as any other issues you come up with during your discussion. **Post a report that summarizes your team’s conclusions (at least 2-3 full paragraphs) in the Legal Case Study assignment submission link in Canvas.** The assignment is set up as a group assignment, so only one team member needs to submit your final summary on behalf of the team.
 - What potential claims does John Davis have against:
 - The hospital?
 - Dr. Jones?
 - Sara Smith?

*Note that you have access to collaboration tools through Google and Office 365 to use at your discretion. The important element is that regardless of how you choose to work together and communicate, **please ensure that I have access to whatever you choose to do so I can evaluate each team member's contribution to each team assignment.**

Grading:

This assignment is worth 20 points. This grade reflects not only the content of the assignment but also your level of participation with your team in this assignment. See the assignment rubric in the assignment link in Canvas for additional information on the grading criteria.

Please note that the material presented reflects Nebraska Law. For those of you reside in another state or country, you are encouraged to discuss the case from the standpoint of the jurisdiction you reside in.