

Negligence

(February 2017)

Rationale

Negligence in providing care may result in legal liability.

Key Objective

Given a situation where a patient complains of negligent medical care, or the candidate is aware of negligence, the candidate will consider the standard of care, the possibility of injury resulting from the care, and know what action to take in the circumstances.

Enabling Objectives

Given a situation where there may have been negligence, the candidate will

- know the elements required to prove negligence (e.g., a duty of care, a breach of the standard of care, a resultant harm and a connection between the harm suffered and the breach of the standard of care);
- recognize differences in standards of care required based on the level of responsibility of the health care provider;
- initiate appropriate communications with the patient, the health facility and the health care team regarding the issue of possible negligence (e.g., relevant legislation, vicarious liability and ethical duties of disclosure);
- initiate communications with the liability insurance carrier, such as the Canadian Medical Protective Association (CMPA).