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Negligence

(March 2026)

Rationale

Negligence in the duty of care in a health care setting may result in harm to the patient and legal liability.

Key Objective

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

Enabling Objectives

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

- understand the elements required in a negligence claim (e.g., duty of care, breach of the standard of care, resultant harm, connection between the harm and 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, ethical duties of disclosure), and
- initiate communications with the liability protection provider, such as the Canadian Medical Protective Association.