

Katie McLaughlin

Issue: Is Dr. Corbin liable for Jane Streams going into cardiac arrest during the laryngoscopy?

Duty: There was a duty because there was a physician patient relationship between Dr. Corbin and Jane Streams requiring Dr. Corbin to provide adequate care.

Standard of Care: A minimally competent physician would have performed a tracheotomy to prevent Jane from going into cardiac rest.

Breach: Yes, by not p

Actual causation: By not performing the tracheotomy Jane's airways were cutoff and she went into cardiac arrest.

Proximate causation: It was foreseeable that by not performing a tracheotomy Jane would go into cardiac arrest.

Defenses: No defense.

Issue: Is Dr. Corbin liable for failure to perform a tracheotomy? Duty: There was a duty because Dr. Corbin was Jane's personal physician.

Standard of Care: A minimally competent physician would have performed a tracheotomy to provide an emergency airway for Jane.

Breach: Yes, by Dr. Corbin's not performing a tracheotomy.

Damages: Jane died.

Actual causation: By not performing the tracheotomy Jane's airway was cutoff and she went into cardiac arrest, causing her to die.

Proximate causation: It was foreseeable that by not performing a tracheotomy Jane would die.

Defenses: No defense.

Conclusion: Dr. Corbin is liable for failure to perform a tracheotomy.

Issue: Is the Kentville Endoscopy Clinic liable for allowing Dr. Corbin to provide care?

Duty: There is a hospital patient relationship and they are responsible for Jane's care.

Standard of Care: A minimally competent organization would have not allowed Dr. Corbin to perform the surgery without privileges.

Breach: Yes, by allowing Dr. Corbin to perform the surgery when she didn't have privileges.

Damages: Jane Streams died.

Actual causation: By allowing Dr. Corbin to perform the surgery Jane died because Dr. Corbin failed to provide a tracheotomy.

Proximate causation: It was foreseeable that there would be complications by allowing a doctor without privileges to perform a procedure.

Defenses: No defenses.

Conclusion:

Rule: Is the Kentville Endoscopy Clinic vicariously liable for Dr. Corbin not performing a tracheotomy?

Issue: Is the Kentville Endoscopy Clinic vicariously liable for Dr. Corbin not performing a tracheotomy?

Employee or agent: Dr. Corbin was an agent, providing care for Dr. Burch as a professional courtesy.

Acting in scope of employment:

Conclusion: Therefore, Kentville Endoscopy Clinic is not vicariously liable for Dr. Corbin performing a tracheotomy.