**Summary of pertinent common law principles of Moldavia, USA**

**Medical Malpractice** - mistakes, carelessness, errors or omissions that amount to "professional negligence" on the part of doctors, surgeons or other health care professionals

 Four Elements of the Cause of Action:

1. The healthcare provider owes a legal duty to provide care or treatment to the patient or plaintiffs.
2. The defendants have breached their duty of adhering to the appropriate standards of their professions.
3. The breach was indeed the proximate reason of the victims’ injuries.
4. The plaintiffs have sustained have sustained injuries and damages or died due to the defendants’ negligence (a claim does not exist without any damages to recover).

**Tort of Wrongful Death:** A civil action for damages on behalf of the decedent's heirs where the decedent’s death was caused by the wrongful act or negligence of another.

Four elements of Cause of Action:

(1) The death was caused, in whole or part, by the conduct of the defendant;

(2) The defendant was negligent or strictly liable for the victim’s death;

(3) There is a surviving spouse, children, beneficiaries or dependents; and

(4) Monetary damages have resulted from the victim’s death.

General Laws and Governing Statutes Moldavia, USA (cite as GLGSM)

***GLGSM SECTION 1 Definitions***

1. Compensatory Damages – These may include economic (financial losses such as medical expenses, lost wages etc.) and non-economic (physical and emotional sufferings such as loss of enjoyment, severe body pain, emotional distress and loss of relationship among others).
2. Economic Damages: Objectively identifiable money damages which can be calculated such as out-of-pocket expenses incurred as a result of the medical malpractice, surgical malpractice or professional negligence and lost wages caused to be suffered as a result of the medical malpractice, surgical malpractice or professional negligence. Economic damages may include past or future out-of-pocket expense and wage loss [caused](http://www.hurtbyadoctor.com/Elements-Medical-Malpractice-Causation.htm) by the "[breach of the accepted standard of care](http://www.hurtbyadoctor.com/Elements-Medical-Malpractice-Breach-Standard-Care.htm)."
3. Emergency Rescue Responders: All police officers, firefighters, emergency medical service technicians, drivers and paramedics licensed by, credentialed by or owing an oath of duty to Moldavia are deemed to Emergency Rescue Responders.
4. Lost Wages: A sum of money that a person who suffers personal injury or wrongful death as a result of medical malpractice, surgical malpractice or professional negligence would have earned, both past and future, had they not been the victim of medical malpractice, surgical malpractice or professional negligence resulting in personal injury or wrongful death. Includes diminished earning capacities.
5. Medical Emergency Event –An unmistakable medical emergency such that a layperson could reasonably believe that the “patient” was in need of immediate medical care beyond that which is typically successfully administered outside of a medical care facility.
6. Non-economic damages include the emotional pain, suffering, and anguish that are inflicted on the victims of medical malpractice, surgical malpractice or professional negligence.
7. Out-of-Pocket Expenses: Expenses incurred may be in the form of hospital bills, medication bills, nursing care bills, therapy bills, medical appliance costs (such as a wheel chair), and construction costs associated with making one's home wheel chair accessible-includes payments of a health insurance company, Medicare. or Medicaid.
8. Patient- a person seeking medical or health care or appearing to others to be in need of care medical or health care.
9. Physicians includes properly licensed M.D.s and D.Os
10. State agencies or Subdivisions: include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities.
11. Treating Physicians: Only properly licensed M.D.s who are employees of a Hospital or deliver services to the hospital as an independent contractor shall be deemed eligible to serve as Treating Physicians

**GLGSM SECTION 2 Medical Care**

1. Non-emergency patients shall own no affirmative legal right to be admitted to and or receive medical or health services from a hospital or health care provider.
2. Any and all hospitals that have Emergency Departments (ED) and receive federal and/or state funding must provide any and all persons who enter the hospital ED requesting medical treatment for an emergency medical event
3. with an appropriate medical screening exam to determine whether or not an emergency medical event presently exists and
4. If an emergency medical event is deemed to presently exist, the hospital must provide appropriate treatment until the individual is deemed stable (or no longer in a presently existing emergency medical event) by a treating physician.
5. These provisions operate notwithstanding the individual’s ability to pay, lack of or type of insurance.
6. Hospitals covered by Section B, shall not discharge nor transfer any individual from the ED who is not in compliance with Section B (1) and B(2)
7. Physicians are not required to respond to a call for help or a request for medical assistance unless:
8. There is a pre-existing, current and ongoing Doctor -Patient Relationship, or
9. The physician is an employee of the hospital or has entered into a contract with the hospital to serve as the Treating Physician of the ED
10. When the request for care was made, or
11. At any time that the hospital’s obligation to treat this individual was still in force and effect.

**GLGSM SECTION 3 Civil Rights Protections:**

Pursuant to both Moldavia and Federal Civil Right protections, the race, creed, color, disability, HIV status, age, sexual orientation, gender, and citizenship status may not considered by any “hospital” when making care decisions or service provision. For the purposes of this provision and all other Civil Right protections, “hospital” includes any and all trustees, directors, officers, employees, servants, agents/independent contractors and volunteers.

***GLGSM SECTION 4 Good Samaritans of Moldavia:***

1. Except as otherwise provided herein or by governing federal or Moldavia laws, no affirmative obligation to give nor right to receive assistance during an emergency, including medical or health events, is hereby created.
2. No person shall be held liable for ordinary negligence or malpractice when extending aid at an emergency scene so long as:
3. The aid is extended in good faith;
4. The aid is offered and given completely gratuitously
5. The conduct was not grossly negligent nor wanton misconduct (including intentional infliction of further injury or harm)
6. The person extending the free aid was under no legal obligation per the laws of Moldavia or Federal laws to provide such aid.
7. Emergency Rescue Responders.
8. All ERRs must stop at the site of an obvious emergency and render appropriate assistance (which may include contacting the appropriate assistance provider).
9. All ERRs must remain at the emergency site for the duration of the emergency or until the assistance responsibility is successfully transferred to an appropriate ERR.
10. This provision is in effect at all times, regardless of the employment status of the ERR.
11. This provision does not apply to students or ERR not in professional good standing within Moldavia.
12. If the ERR is employed by a local or Moldavia agency or department, the shield of the governmental immunity protection shall remain in full force and effect with regards to the local or Moldavia agency or department but shall no longer shield any and all ERR in violation of these provisions

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General Laws and Governing Statutes of Moldavia, USA

**GLGSM SECTION 5 Sovereign Immunity**

Actions at law against Moldavia or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may not be brought forth.

Notwithstanding the adherence to the shield of sovereign immunity provided herein, the state or an agency or subdivision may agree, within the limits of insurance coverage provided, to settle a claim made but the state or agency or subdivision thereof shall not be deemed to have waived any defense of sovereign immunity.

No officer, employee, or agent of Moldavia or its agencies or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Moldavia or its agencies or its subdivisions shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of her or his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

General Laws and Governing Statutes of Moldavia, USA

**GLGSM SECTION 6 Charitable Immunity**

No nonprofit corporation, society or association organized exclusively for religious, charitable, or educational purposes or its trustees, directors, officers, employees, agents, servants or volunteers shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association; provided.

Nothing in this subsection shall be deemed to grant immunity to any health care provider, in the practice of his profession, who is a compensated employee, agent, including independent contractors or servant of any nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes.

The following individuals may share in the immunity enjoyed by the qualified hospital institution provided their service to the institution is without compensation: Trustees, Directors, Officers, and Volunteers

The shield of immunity is not afforded to any agent, employee or servant for their individual liability.

Statutory immunity does not apply to any trustee, director, officer, employee, agent, servant or volunteer who has caused damage by a willful, wanton or grossly negligent acts of commission or omission including sexual assault and other crimes of a sexual nature.

The prospective liability of a nonprofit hospital for damages as a result of the negligence of its agents/contractors or servants is capped at $250,000, together with interest and costs of suit arising from any one (1) accident. The institution shall have no liability for any damages assessed, including interest and costs of suit that exceeds $250,000. This exception to the blanket immunity afforded to other qualified charities under the Act is applicable only to organizations "organized exclusively for hospital purposes”.

General Laws and Governing Statutes of Moldavia, USA

***GLGSM SECTION 7 TORT STATUTES OF LIMITATIONS AND DAMAGES ALLOWED***:

TORT SOL DAMAGES

**Intentional torts** including:

Defamation, assault, battery, 1 year from event Actual and punitive

False imprisonment, outrage/

Intentional infliction of

Emotional distress

**Medical malpractice** 1 year from event Actual Only

**Other personal injury** 2 years from event Actual Only

**Wrongful death** 2 years from death Actual Only

**Breach of Oral Contract** 6 years from contract start Actual or Nominal

**Breach of Written Contract** 15 year from contract start Actual, Nominal or Liquidated