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MAIN EXAMINATION

SEPTEMBER –DECEMBER 2021

FACULTY OF LAW

REGULAR PROGRAMME

CLS 434: MEDICAL LAW AND ETHICS

Date: DECEMBER 2021

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any TWO Questions

Q1. In Vitro fertilization, assisted birth technology (ART) and surrogacy among other methods in reproductive technology still remains a dilemma in Kenya's legal regulatory framework. The Technology has been linked to an increasing rate of genetic defects, without the existence of a registry or guidelines. A story is told of a 32yr old healthy woman. She was diagnosed and underwent assisted birth process. Initially and up to the seventh week, she exhibited a viable pregnancy. At 13 weeks, four days, an abnormal mass was detected prompting the doctors to initiate further investigations which revealed abnormalities on the fetus, hence the advice to terminate the pregnancy. On abortion, the fetus was found to have abdominal organs placed outside the body. In light of ethics and the principles of law, discuss the foregoing, taking into consideration aspects of reproductive technologies and the position of the law on abortion. **[30 Marks].**

Q2. Regardless of common religious belief healthcare professional must realize that reproductive technologies prevent ethical dilemmas and issues because of risks surrounding these procedures. Critically analyze the ethical issues /dilemmas surrounding surrogate mother hood **[20 marks].**

Q3. Discuss the ethical dilemmas in relation to ending life **[20 marks]**

Q4. Discuss the main ethical and legal grounds on which a doctor should respect patient-Doctor confidentiality and the circumstances under which such confidentiality may be breached. **[20 marks].**

Q5. Jodie a 16 year old teen, was born with six toes on each feet. When she started High School, her peers made fun of her. This affected her performance and she considered quitting school. Her mother refused to take her to hospital for a simple procedure to remove the extra toes because she thinks that would be finding fault with God's perfect work. Without her mother's knowledge, she goes to a local hospital and has the surgery done. After learning of this, the mother sues the doctor for performing unconsented surgery.

a). Will the mother's assertion that Jodie cannot give consent for the surgery stand? **(10 marks).**

b). What exceptions exist in law for the requirement of informed consent before any medical treatment is administered? **(10 Marks).**

DTE DEC 2021

END