Summer Examinations 2015

LAW301315N

Module Title: Medical Law
Level: Six
Time Allowed: One hour and forty minutes

Instructions to students:

- Enter your student number not your name on all answer books.
- Answer two questions out of seven.
- All questions are equally weighted.
- Begin each answer in a separate answer book; label each answer book clearly with the number of the question you are answering.

No. of Pages: 5
No. of Questions: 7
Answer two questions out of seven.

1. ‘The four principles developed by Beauchamp and Childress are simply abstract ideas and of little value to a doctor making medical decisions in the National Health Service’.

   Discuss.

2. Ann, a 14 year old school girl, was riding her bike down a steep hill but lost control and crashed into a stone wall. She was taken to the Midlands NHS Hospital. Bianca, the consultant surgeon, examined Ann and told her that she had broken her left leg and some of the skin on her right arm had been damaged. Bianca told Ann that she needed an operation to reset her leg and would need some skin taken from her stomach for a skin graft to her right arm. Ann’s parents could not be contacted. Ann agreed to the operation on her leg but refused the skin graft saying, “If I have the skin graft I’ll never be able to wear a bikini”.

   Ceri, aged 30 years, was admitted to the hospital after being knocked down by a car. She was in a coma and needed a blood transfusion to save her life. Her mother, Dora, arrived at the hospital and showed Bianca a document Ceri had signed two years ago which stated that if she was ever in hospital she did not want any medical treatment. Dora told Bianca that Ceri had been brought up as a Jehovah’s Witness but had left home 10 years ago. A search of Ceri’s handbag revealed an old battered card which read, ‘I am a Jehovah’s Witness and I refuse all blood transfusions’. Dora does not want Ceri to have a blood transfusion.

   Fred was referred to the hospital by his general practitioner as he had a persistent pain in his abdomen. Fred was correctly diagnosed with appendicitis. He was told that he needed a surgical operation and he agreed to this. As a result of the operation he developed nerve damage which affected his left leg and he now walks with a limp. He had not been told of the 1% risk of developing such nerve damage. Neither had he been told of a new technique to carry out the operation using key hole surgery.

   Advise the Midlands NHS Hospital of its legal position in respect of Ann, Ceri and Fred.
3. A number of problems have arisen at the Naseby NHS Hospital.

Alan who had recently returned from a holiday in West Africa was feeling unwell and had been vomiting. He went to see his general practitioner, Dr Beth. She examined him and found that he had a high temperature and a fever. She told him that it was probably just a stomach bug from something he had eaten and she prescribed some medicine for him. She did not ask him if he had recently been abroad. A few days later Alan collapsed at home. He was taken by ambulance to the hospital. Cyd, the consultant, diagnosed that Alan had the ebola virus and he was immediately put in an isolation chamber. Alan was initially very ill but after treatment he made a recovery. When Alan was discharged from hospital Cyd gave him a note and told him that he must see his general practitioner within a week. Alan felt quite well after leaving hospital and did not bother going to see Dr Beth. As a result he has had a relapse and has been readmitted to the hospital.

Dan was involved in a car accident which was caused by another driver, who drove off and was never traced. Dan suffered an injury in his lower back as a result of the accident. He was taken by ambulance to the hospital. Cyd diagnosed that Dan had damaged his liver in the accident and he needed an operation to repair the damage, which Dan consented to. Dan was put on a ward under the care of nurse Eva. Nurse Eva had only been working as a nurse for a few weeks and she did not read Dan’s medical records which showed that he suffered from brittle bone disease. During the night Dan rolled over in bed and fell out. As a result he suffered multiple fractures to his thigh and further damage to his liver which means he now needs a liver transplant.

Faria, who was eight months pregnant became ill and called an ambulance. She was taken to the hospital but on arriving Greg, the ambulance driver, was instructed to drive round for an hour because the maternity unit was very busy and short of staff. When Faria was admitted to the hospital she was diagnosed with a kidney infection. Partly as a result of the infection and partly as a result of the delay her baby was born prematurely and consequently suffered a birth defect.

Explain what claims may be made in negligence, if any, by Alan, Dan and Faria.
4. Haroon is a general practitioner and a number of issues have arisen at his surgery.

Ivan and his wife Joan are both patients at the surgery. Ivan makes an appointment at the surgery. Haroon notices that he is upset and agitated; he also has scratches on his face and arms. Haroon had seen an article in the local newspaper a few days earlier reporting the fact that Joan had gone missing. Haroon asks Ivan if he has had any news about Joan. Ivan replies that he stole a rope from a local shop, strangled Joan with it and buried her body under his patio.

Kelly and her partner Lucy were in their thirties and were both patients at the surgery. A few weeks ago Lucy had attended the surgery feeling unwell and Haroon had referred her to the local hospital. Lucy was admitted to the hospital but died suddenly. Kelly suspects that Lucy had the HIV virus and she wishes to obtain a copy of Lucy’s medical records.

Max, the local member of Parliament, attends the surgery as he is receiving treatment for alcoholism. In the course of the consultation Max says that he is having a sexual relationship with his secretary at the House of Commons. Max leaves a folder in the surgery and Haroon opens it and finds plans for fighting the General Election locally. Haroon is a member of a rival political party. He tells Olga, a reporter on the local newspaper, about Max’s alcoholism, his affair and shows her the folder. Olga intends to write an article for the local newspaper about Max including all this information.

Explain the legal position in relation to Ivan, Kelly and Max.

5. The law on infertility treatment has caused problems in relation to consent, pre-implantation genetic diagnosis and the parentage of children.

Discuss.
6. Fawsley NHS Hospital is a teaching hospital for training doctors. A number of problems have arisen at the hospital.

Penny, aged 7 years, has a growth on one of her kidneys and needs an operation to remove the kidney. She attends the hospital with her parents and she is seen by Rita, the consultant. Her parents’ consent to the operation and to Rita keeping the kidney for examination. Rita performs the operation and removes the kidney. She places the kidney in a jar as she intends to use it for her research into kidney disease. The growth is an unusual type and Rita keeps it to show to her trainee doctors.

Salma is in her early twenties. She is mentally handicapped and lives at home with her parents. Salma is very close to her younger sister Tamara who suffers from liver disease. Rita has advised Salma’s parents that Tamara needs a transplant of part of a liver or she will die within a few months. Salma is a match for Tamara and Rita tells the parents that Salma’s liver will re-grow. The parents wish Salma to donate part of her liver to Tamara.

Vic, aged 50, is seriously injured in a climbing accident. He is admitted to the hospital intensive care unit. He tells Wendy, one of the nurses attending to him, that he knows he is going to die and that he wishes her to make the decision about the use of his organs. He also writes this down on a piece of paper. The next day Vic died and Wendy allowed Vic’s eyes to be used for transplants. The transplants were carried out by Rita. The following day, Vic’s wife Yvette, who lives abroad, arrives at the hospital and tells Rita that Vic did not want any of his body parts removed after his death.

Explain the legal position in relation to Penny, Salma and Vic.

7. The law on patients in a permanent vegetative state is unsatisfactory.

To what extent, if at all, do you agree with the above proposition?

End of Paper