Examination Period 3: 2017/18

LAW301318N

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** out of **seven** questions.
• All questions are equally weighted.
• Begin each answer on a new page; label each page clearly with the number of the question you are answering.

<table>
<thead>
<tr>
<th>No. of Pages</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Questions</td>
<td>7</td>
</tr>
</tbody>
</table>
Answer **two** out of **seven** questions.

**Question 1**

Explain the **two** main ethical theories and the **four** principles of medical ethics and assess whether they have any use in medical decision making.

**Question 2**

A number of issues have arisen at Cottesbrooke NHS Hospital.

Abi, a schoolgirl, is teased by her class mates about her large breasts. She also suffers from depression. Unknown to her mother, Abi has been offered some lucrative part-time work, as a model, if she has breast reduction surgery. Her sister, Bella, aged 15, suffers from anorexia. Abi and Bella attend the hospital with their mother. The consultant, Carla, believes that it would be in Abi’s best interests to have the surgery and recommends it. Abi agrees to the surgery but her mother strongly objects. Carla recommends a course of feeding and treatment for Bella but Bella refuses to consent to it.

Dan was brought up as a Jehovah’s Witness. He is now 60 years old. Two years ago, Dan had a heart attack and after treatment he went back to work part-time. Last year, Dan made a lasting power of attorney in favour of his wife, Eva. Recently, Dan had another heart attack and was admitted to the hospital but he seemed very confused about where he was. Dan needed a blood transfusion as part of his treatment. A hand-written note found in his wallet stated, “My life is in God’s hands. I refuse any life-saving treatment”, which he had signed and dated but the date is faded and difficult to read. Eva wishes him to have the transfusion.

Fred was referred to the hospital by his general practitioner, as he had been feeling unwell for some time. Fred was seen by Dr Gina and he consented to a blood sample being taken. When Fred returned to the hospital for the results, Gina told him, that he had a kidney infection and also that he was HIV positive.

Advise the hospital of its legal position in respect of Abi, Bella, Dan and Fred.

**Question 3 follows overleaf**
Question 3

A number of problems have arisen at Waterside NHS Hospital.

Hari had recently returned from a holiday in India but he had been feeling unwell and had been vomiting. He went to see his general practitioner, Dr Ivy and told her his symptoms. She examined him and found that he had a high temperature. She told him that it was probably just a stomach bug from something that he had eaten and she prescribed some medicine for him. She did not ask him if he had been abroad. A week later, Hari collapsed and was taken by ambulance to the hospital. He was examined by Jill, a consultant, who correctly diagnosed that Hari had malaria. Hari was admitted to the hospital and given treatment. When he was discharged Jill gave him a letter to take to his general practitioner and told him to go and see her within a week. After leaving hospital Hari felt well and did not bother going to see Dr Ivy. As a result, he has suffered a relapse and been re-admitted to the hospital.

Three months ago, Ken went to see his general practitioner, Dr Lil, as he had a pain in his right knee. Dr Lil had only recently qualified, she was very busy and was keeping to the policy of the practice, of ten minutes per patient. She looked at Ken’s medical record on screen for the last 12 months and examined his knee. In fact, two years ago Ken had had treatment for cancer. Dr Lil diagnosed a problem with the joint and arranged an appointment with the orthopaedic department of the hospital. Recently, when Ken attended the hospital, it was diagnosed that the pain in his knee was caused by the cancer, which had come back and spread to his bones. As a result, Ken had to have his right leg amputated. If he had been correctly diagnosed when he first went to see Dr Lil, he would have had a 40% chance of avoiding the amputation. If he had been referred for treatment on his first visit to Dr Lil he would have had a 55% chance of survival but that is now 30%.

Mick is a self-employed builder, who fell off a ladder and cut his head. He was taken to the hospital but the hospital was very busy due to staff cuts and he was not seen for several hours. He was examined by Dr Nina and found to have a blood clot on the brain, which caused mild brain damage. This was caused partly by the head injury and partly by the delay.

Advise Hari, Ken and Mick of the claims they may make, if any, in negligence.
Question 4

Olga is a general practitioner and a number of issues have arisen at her surgery.

Pete, one of her patients, attended the surgery. He seemed agitated, his clothes were in a dishevelled state and he had fresh scratches on his face. He told Olga that he had stolen a bag of sweets from a shop and as he ran out, he crashed through the glass door of the shop. Olga treated his cuts. She had heard on the news, that the local police, were looking for someone in relation to a rape in the town and Pete matches the description of the wanted man.

Rose, a 14-year-old schoolgirl, attended the surgery. She told Olga that she is pregnant and that she wanted to have an abortion because she does not want to interrupt her studies. She asked Olga not to tell her mum Sue or her boyfriends. When Olga finished work she went to the local park for some fresh air. She left a file, containing Rose’s medical notes, on a park bench, which were later found by Vicky, a teacher at Rose’s school.

Wendy and her mother, Yvette, are both patients at the surgery. Wendy, a nursery nurse, attended the surgery and Olga diagnosed that Wendy is suffering from depression. Wendy told Olga, that she sometimes has an overwhelming urge to kill a child. She also said that she would like to have a baby but she is worried that her mother may carry a genetic illness. She asked Olga to check her mother’s medical records. A week later, before Olga had taken any action, Wendy attacked Zowie, a child at her nursery and seriously injured her.

Explain the legal position in respect of Pete, Rose and Wendy.

Question 5

Explain the law on surrogacy and consider what reforms should be made to it.

Questions 6 and 7 follow overleaf
Question 6

A number of problems have arisen at the Riverside NHS Hospital.

Adam suffers from motor neurone disease. When his condition deteriorated his wife, Cleo, took him to the hospital. Adam was put on a ventilator to help him to breathe, although he was mentally competent and able to speak. He told Bali, the consultant, that he wanted to die and asked Bali to give him a lethal dose of morphine. He then said to Cleo, that if Bali refused to give him the morphine, she must take him to the Dignitas Clinic in Switzerland, where he could die in peace.

Don was born with an incurable brain condition, which became worse over time. When he was six months old, his mother, Eli took him to the hospital. Don was examined by Bali, who told Eli that there was no treatment available for his condition and the hospital would only provide feeding. Eli wishes to take Don to France, for experimental treatment.

Felix was diagnosed with lung cancer and admitted to the hospital for treatment. He asked the hospital to freeze some of his sperm before he started chemotherapy, as he was planning to have a baby with his wife Grace. The treatment was unsuccessful and Felix died. Grace has claimed the sperm. She has also discovered that the hospital had taken tissue from Felix’s lungs to use to develop an anti-cancer drug, in collaboration with the local university.

Explain the legal position in respect of the above issues with Adam, Don and Felix.

Question 7

Critically assess the ethical arguments for and against selling organs.