

TECHNICAL UNIVERSITY OF MOMBASA

Faculty of Applied & Health Sciences

Department of Environment & Health Sciences

**UNIVERSITY EXAMINATIONS FOR THE DEGREE OF BACHELOR OF SCIENCE IN COMMUNITY
HEALTH (BSCH 13S)**

ACM 4306: LAW & ETHICS IN COMMUNITY HEALTH (Y3S2)

END OF SEMESTER EXAMINATION

SERIES: MAY 2016

TIME: 2 HOURS

INSTRUCTIONS TO CANDIDATES:

- This paper consists of FIVE questions
 - Answer question ONE (Compulsory) and any other TWO questions on the answer booklets provided.
 - Do not write on this question paper.
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1. a. Define a state (3 marks)
b. Differentiate between internal and external sovereignty (2 marks)
c. i. Define subsumption as used in jurisprudence (1 mark)
ii. List the 4 steps of subsumption (4 marks)
d. Identify 3 legal theories of state actions (3 marks)
e. Enumerate any 4 ways in which public health law can address the determinants of Non-communicable diseases (4 marks)
f. Differentiate between isolation and quarantine (4 marks)
g. Identify any 5 global conditions that have led to a rise in human trafficking (5 marks)
h. List 4 types of interpretations used in legal practice (4 marks)
2. The Tuskegee Syphilis Study or, to give it its full name, the Tuskegee Study of Untreated Syphilis in the Negro Male, was a notorious clinical study that has become a byword for racist and unethical medical experimentation. It ran from 1932 to 1972 and involved nearly 400 impoverished and poorly educated African-American men diagnosed with latent syphilis - meaning that they had the infection but showed no obvious symptoms at that stage. For 40 years they were never told they had syphilis and were never treated for it, even when penicillin became a standard cure in 1947. They were simply told they had 'bad blood'. Among the aims of the study was to see whether syphilis affected black men differently from white men. For participating in the study, the men received free rides to and from the clinic at Tuskegee University, Alabama. There they were given hot meals and free medical treatment for minor

ailments. Any treatments they thought they were also getting for their ‘bad blood’ were actually placebos, aspirin or mineral supplements. Medical staff allowed nothing to interfere with their work. Even when 250 of the men were drafted for service in the Second World War, strings were pulled to ensure that they remained part of the study instead. When the study ended in 1972 following a public outcry, only 74 of the original participants were still alive. Twenty-eight men had died of the disease and a further hundred or so of related complications. Forty wives had been infected and 19 children had been born with congenital syphilis. Survivors eventually received financial compensation and in 1997 US President Bill Clinton was moved to declare that ‘on behalf of the American people, what the United States government did was shameful’.

a. In order for persons (or their legally authorized representatives) to give “legally effective informed consent,” the researchers seeking participation must disclose eight elements of information about the study. Enumerate these 8 elements (8 marks)

b. Explain the ethical advantages of prospective review of research proposals by an Institutional Review Board (IRB) (6 marks)

c. What are some of the limitations of prospective IRB reviews? (6 marks)

3. Using examples from Kenya and the rest of the world, discuss some of the contemporary key issues in public health law and ethics (20 marks)

4. Compare and contrast Tortious Liability and Contractual Liability (20 marks)

5. a. Define bioterrorism? (2 marks)

b. What challenge do states often face when confronted with a bioterrorism threat?(4 marks)

c. Outline three criteria that ought to be met during a bioterrorism event to warrant a declaration of a public health emergency? (6 marks)

d. State any 4 powers that states and public health authorities possess to track, prevent, and control disease threats resulting from bioterrorism or other public health emergencies. (4 marks)

e. How may these powers compromise civil liberties? (4 marks)