



Technical University of Mombasa

Faculty of Applied and Health Sciences

DEPARTMENT OF ENVIRONMENT AND HEALTH SCIENCES

DIPLOMA IN COMMUNITY HEALTH AND HIV MANAGEMENT
(DCH 11M)

APH 2307 : MEDICAL LAW

SPECIAL /SUPPLEMENTARY: EXAMINATIONS

SERIES: OCTOBER 2013

TIME: 2 HOURS

INSTRUCTIONS:

You should have the following for this paper

- *Answer booklet*

This paper consists of **FIVE** questions.

Answer Question **ONE (compulsory)** and any other **TWO** questions

This paper consists of 3 PRINTED pages

Question ONE

- a) Muchiri is a 33 year old man with multi-drug resistant tuberculosis. He is homeless and has a pattern of missing many of his scheduled clinical visits. Upon starting a multi-drug regimen for his TB, Muchiri initially comes to this scheduled clinic visits but after a few weeks begins missing them. The physician contacts the social work case manager who arranges supervised drug administration. Nevertheless, Muchiri often cannot be found and this approach is deemed to be failing. Should Muchiri be forced into treatment against his will? **(10marks)**
- b) Discuss the main differences between criminal and civil cases. **(10marks)**
- c) Under the HIV and AIDs Act outline the provisions of prohibition against compulsory testing **(10marks)**

(10marks)

Question TWO

- a) A builds a factory for the manufacturer of a chemical called synoyn. After the factory is completed and it becomes operational, it turns out that it emits a lot of fumes which in themselves are a nuisance to A's neighbours. What is worse it has also transpired that when it rains, the fumes after mixing with the rain-water produces a substance that is destroying fish in the nearby lake. A's neighbours are unhappy and wish to sue him. Advise them. **(10marks)**
- b) Explain giving appropriate examples the confidentiality branch of medical law and outline the exceptions to this confidentiality law. **(10marks)**

Question THREE

Write short notes on the following:

- a) Medical negligence **(5marks)**
- b) Health law **(5marks)**
- c) Consent **(5marks)**
- d) Strict liability **(5marks)**

Question FOUR

Under the public Health Act give TEN provisions of what is deemed to be nuisance **(20marks)**

Question FIVE

Discuss FOUR protected rights for HIV and AIDs patients **(20marks)**