

NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW

SEMESTER 1 EXAMINATION 2002/2003

SECOND, THIRD, FOURTH LL.B.,  
THIRD BA PUBLIC AND SOCIAL POLICY  
ERASMUS/OCCASIONAL STUDENTS

HEALTH LAW AND POLICY LW 405

Professor T. Watkin  
Ms. M. Keys

Time allowed: **2 hours**. Erasmus students have 2½ Hours

Answer **THREE** questions.

1. The right of the individual to privacy, autonomy and self-determination has been strengthened in some areas of health law but not in others. Discuss this statement in the light of developments in health law and refer to case law in your discussion.
2. "If the State were entitled to intervene in every case where professional opinion differed from that of parents, or whether the State considered the parents were wrong in a decision, we would be rapidly stepping towards Brave New World in which the State always knows best." Do you agree with this statement in the context of disputes between parents and carers about the medical treatment of children?
3. Jennifer was admitted to hospital on a Temporary detention order but absconded and in the process of bringing her back to hospital she injured a nurse. She was subsequently transferred to a secure hospital where she successfully sought her release under the habeas corpus provisions of the Constitution as her detention order had expired. However, she was readmitted again and now seeks your assistance with a further challenge to the legality of her detention. She believes the legislation does not protect her rights, is unconstitutional and does not comply with the provisions of the European Convention on Human Rights. Please advise Jennifer.
4. The Supreme Court in *Collins v Mid-Western Health Board & O'Connor* (Supreme Court, unreported 12<sup>th</sup> Nov. 1999) has set down standards of care aimed at improving practice for doctors and patients. Critically analyse the approach of the courts in cases such as *Collins* and comment on whether, in your opinion, these decisions might have an impact on the health care area.
5. Despite the numerous government policy documents on various aspects of health care in recent years there is continuing dissatisfaction with the health service. The problem of access and equity appear to be among the most commonly cited grounds of complaint. Discuss the current system and whether law has a role to play in dealing with these problems.
6. "Recent years have seen the development of greater awareness of the rights and needs of mentally disabled people." Critically assess this statement in relation to consent and sterilisation and refer to case law and academic commentary in your discussion.

**END**