

GX 1839

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2002/2003

Exam Code(s)	2BA1, 2BA6, 2CW1, 3BA1, 3CW1, 4BA4
Exams(s)	2 nd 3 rd & 4 th Bachelor of Arts 2 nd Bachelor of Arts (Public and Social Policy) 2 nd & 3 rd Bachelor of Civil Law Erasmus and Occasional Students
Module Codes(s)	LW405.II
Module(s)	Health Law & Policy
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Thomas Watkin
Internal Examiner(s)	Ms. Mary Keys
Instructions	Answer THREE Questions
Duration	TWO Hours Erasmus Students have 2½ Hours
No. of AnswerBooks	
Requirements:	No Requirements
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
No. of Pages	2
Department(s)	Law

1. "The law on informed consent is governed by a watered-down version of the professional standard model as proposed in *Walsh v Family Planning Services Ltd.*[1992] IR 496." Critically analyse this statement referring to case law and academic commentary in your answer.
2. Hospitals have a duty to provide a safe system for patient care and to have practices in place that will ensure good communication between professionals. How have the courts dealt with these issues?
3. Marsha has just been diagnosed with motor neurone disease and she researches the illness in order to make plans about her future. She tells her doctor she does not want to continue living when she is no longer able to communicate and she does not want to be given nutrition and hydration artificially. She also tells her doctor that she wants her husband to help her to die if her doctor is unable to do so. Marsha has asked you, her lawyer, for advice on her legal position regarding all these matters. Please advise Marsha.
4. Discuss the growing need for regulation in the area of reproductive health in Ireland.
5. The Minister for Health, Martin Hallmeyer, has invited you to deliver the annual "Success in Health Care" lecture concentrating on the role of the health boards and equality of access to health care. He asks you to say a few words on the role of law in accessing health care and to comment on the future challenges for health care provision.
6. Answer (a) OR (b)
(a) Ireland lags behind many other countries in failing to provide a legal basis for decision-making for adults who may not have the capacity to make decisions for themselves. Discuss the approach of the courts in other jurisdictions to this issue and whether there is any legal guidance from sources in Irish law that can be relied upon.

OR

(b) Trust in the confidentiality of information given by the patient to the doctor is fundamental to the doctor-patient relationship. There are exceptions to the duty of confidentiality owed to the patient. Discuss these exceptions and refer to case law and academic commentary in your answer.

END