

GX 1681

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

SEMESTER 1 Examinations, 2003/2004

Exam Code(s)	234LL.B, 1OA, 1EM
Exams(s)	2 nd 3 rd & 4 th LL.B Erasmus and Occasional Students
Module Codes(s)	LW405.I
Module(s)	Health Law & Policy
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Professor Philip Fennell
Internal Examiner(s)	Ms. Mary Keys
Instructions	Answer THREE Questions
Duration	TWO Hours
No. of AnswerBooks	
Requirements:	No Requirements
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
Department(s)	Law

PTO

- 1 “...it is certain that the legal boundary between parental autonomy and a child’s welfare in medical consent matters will continue to be a difficult judgment call for the judiciary particularly as one moves away from the extreme risk side of the spectrum.” Do you agree with this statement which refers to *North Western Health Board v HW & CW* Supreme Court 8th November 2001?
- 2 You have been invited by the editor of the Daily Times to submit an article on “The Deficiencies in the Irish Health Care System”. You are asked to critically evaluate the current system and examine whether there is a right to health care and how the system might be improved to bring Ireland up to the standard in some other European countries. Write your article.
3. Patricia has been in a near persistent vegetative state for over three years and her husband John has applied to the court to allow all nutrition and hydration to be withdrawn from her in order to allow her to die a natural death. The hospital in which she is being cared for objects to this course of action and will oppose John. John has come to you for advice as to the legal position.

Would your advice be different if Patricia had anticipated her condition and had a written request that John would be allowed to help her to die if such circumstances arose?
- 4 Human rights law has been very important in the context of mental health law reform in Ireland. Describe how this has influenced the Mental Health Act 2001 and include in your answer reference to case law.
- 5 Failures in the provision of proper hospital care systems and poor communication are often cited as reasons for increased litigation in the health care area. Discuss this statement using relevant case law and any policy changes proposed to improve matters.
- 6 Ann is 22 years old and has an intellectual disability. She is capable of making some minor decisions for herself but is not capable of living without some supervision. She has recently formed a relationship with James, who attends her special needs day centre with her and her mother and the carers are very concerned that she will become pregnant and will be unable to cope with the pregnancy and rearing a child. Her mother and carers believe she should be sterilised to avoid the risk of pregnancy and have come to you for advice as to whether this course of action might be open to the doctors and whether they can make this decision without going to court. Please advise them as to the legal position.

END