

UNIVERSITY OF SWAZILAND
FACULTY OF HEALTH SCIENCES
SUPPLEMENTARY EXAMINATION PAPER, JULY 2011

TITLE OF PAPER : **ASPECTS OF LAW FOR HEALTH PRACTICE**

COURSE CODE : **LH305**

TIME ALLOWED : **3 HOURS**

INSTRUCTIONS

(1) ANSWER ALL QUESTIONS

(2) MARKS FOR QUESTIONS OR PARTS

THEREOF INDICATED IN BRACKETS

THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN

GRANTED BY THE INVILATOR

QUESTION 1

Once a medical practitioner has committed himself to treat a patient his duties towards the patient, only end, after the completion of the treatment or operation.

Under what circumstances can a medical practitioner pre-maturely withdraw his services from a patient without attracting liability against himself for negligence?

[25 marks]

QUESTION 2

Where a physician deviates from established procedure by employing a new method of treatment which does not yet enjoy the general acknowledgement and acceptance of the medical profession, he will most probably be guilty of negligence under the law of delict. Under what circumstances may the liability of the physician arise in this context?

[25 marks]

QUESTION 3

(a) What is the essence of the Hippocratic Oath and the Florence Nightingale Pledge? **(10 marks)**

(b) What are the five (5) exceptions to the rule of professional secrecy in the medical profession? **(15 marks)**

TOTAL: [25 marks]

QUESTION 4

- (i) What are the two (2) requirements for vicarious liability? **(5 marks)**
- (ii) What is an offer/ how does it lapse? **(5 marks)**
- (iii) What is meant by informed consent? **(5 marks)**
- (iv) When is the use of anesthesia justified? **(5 marks)**
- (v) What is meant by negligent malpractice? **(5 marks)**

TOTAL: [25 marks]