

*ANSWERS TO THE ASSORTED MEDICAL LAW ESSAYS AND SAQS
COMPILATION FOR END OF YEAR MBCHB LEVEL 2 REVISION*

“...But those who hope in the LORD will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint.” (Isaiah 40:1)

1. Define Forensic Medicine and give two examples of its role in courts.

The application of medical knowledge to the investigation of crime, particularly in establishing the causes of injury or death.

- Helps court establish cause of death.
- Helps establish extent of injuries.
- Helps establish whether treatment given was as per standards.
- Helps establish how long injuries sustained will take to heal.

2. Using examples highlight on the differences between civil and criminal law.

Civil law	Criminal law
Filed by a private party (corporation or individual)	Filed by government and guilty defendant
Guilty defendant penalised by payment to plaintiff for loses caused	Penalty is payment of fine or incarceration
There is no incarceration	There is incarceration
Follows civil procedures in settlement	Follows criminal procedure in settlement
Can be settled out of court	Only settled in court

3. Explain with examples the categories of evidence in medical law.

- Digital evidence
- Documentary evidence
- Personal experience
- Scientific evidence
- Physical evidence
- Trace evidence
- Relationship evidence
- Testimonial evidence

4. Describe the importance of understanding law as a medical practitioner.

- In order to understand the legal rights and duties of the medical profession within a particular jurisdiction
- To understand doctor-patient relationship
- To understand the responsibilities of doctors
- To understand public health laws and the extent of government regulation.

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- To know regional and international obligations of a doctor.

5. List the different views that defines law.

- Idealist view- law is the standard of what is justice, equitable and good
- Positivists view- law is the command of the sovereign
- Historical view- custom is superior to written law
- Sociological view- law is a means of social control

6. Define a state and outline some of the characteristics of a state.

A political entity or community that comprises of people who are permanently occupying a fixed territory, exercising sovereign independence and regulatory control of the people, the property, transactions or affairs through the instrument government and laws of regulation and is capable of relations with other states.

Characteristics;

- Human population
- Geographical territory
- Independent sovereignty
- Legal system and government
- Has a taxation mechanism
- Has diplomatic relations

7. Explain 5 main theories of the state.

- Natural law- social urge by humans to be organized as a community
- Patriarchal theory- enlargement of family under the authority of leaders
- Force theory- creation of state through constant wars and invasions
- Divine right theory- applied by kings in the conquest of territories
- Social conflict theory- they give up some of their individual rights for the wellbeing of each other.

8. Outline the functions of the legislature, judiciary and executive as arms of the government.

- Legislature- law making
- Executive- implementing and enforcing laws
- Judiciary- interpretation and application of laws
- **LOOK INTO THEIR COMPONENTS AND FIVE FUNCTIONS OF EACH ARM**

9. Outline on the five principles of ethical review by the Ethics and Review Board.

1. RESPECT FOR PERSONS- TREAT A PERSON AS AN INDIVIDUAL
2. BENEFICENCE- MINIMIZE HARM/RISKS, MAXIMIZE BENEFITS
3. DISTRIBUTIVE JUSTICE- BURDENS AND BENEFITS SHOULD BE SHARED EQUALLY
4. CONFIDENTIALITY

10. Define ethics and give it's examples in medical practise.

Ethics is defined as the moral principles governing a system and includes rules of conduct. In medicine, ethics are used in research and also the Hippocratic Oath is a moral code of conduct that is not particularly signed under a contract but all physicians have a responsibility to abide by it.

Examples of ethics include:

Confidentiality – a physician must ensure that the medical information he/she holds about a patient is only accessible to those that the patient has given access via autonomy and informed consent. Confidentiality must also be maintained after death of that patient however can be

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broken in situations like criminal cases by court orders, potential danger to public safety, notifiable diseases.

Beneficence and non-maleficence- i.e. acting in the patients best interests and doing no harm respectively. The doctor must always act in the best interest of the patient and provide the most adequate medical care that will cure and treat a patient e.g. a doctor may want to give NSAIDS for rheumatoid arthritis but does not want the patient to have GIT bleeding- he must choose what will cause the least harm.

Equality and justice- giving to each what is his due; in the medical field the resources and services should be distributed to all person equally no matter their race, religion, sexuality, age, socio-economic status and political affiliations. For example, as a physician one should not refuse to give treatment to a person of a different political affiliation as opposed to them.

Autonomy- the doctor should give the patient all the information that he/she needs to make an informed decision about the treatment or procedure he/she needs. This should include all the risks and benefits involved and the patient then can decide to accept or refuse the treatment. This is done compassionately and through proper communication i.e. Jehovah's witnesses usually don't accept blood transfusions, however if the doctor explains, in a life threatening situation to them that this is for a medical benefit and the only option the patient can then decide whether his life or religious beliefs will take greater precedence.

Others: consent (implied, expressed, informed)

11. List the roles of;

a. **Forensic medicine;**

- Helps court establish cause of death.
- Helps establish extent of injuries.
- Helps establish whether treatment given was as per standards.
- Helps establish how long injuries sustained will take to heal.
- Aids the court in coming to a decision by taking into account the information the medical expert has given and convicting someone.

b. **Forensic science;**

Forensic science is the application of science to criminal and civil laws, mainly—on the criminal side—during criminal investigation, as governed by the legal standards of admissible evidence and criminal procedure.

12. Write short notes on;

a. **The role of medical doctors on births and deaths registration;**

- In the case of death occurring in Kenya of any person who has been attended during his/her last moments of life by a medical officer, the medical officer shall sign a certificate stating to his/her best ability the cause of death in a D1 form.
- The certificate will be signed and forwarded to the registrar.
- The medical officer on signing the certificate shall issue a disposal permit to the person taking charge of the body of the deceased.
- A medical officer will sign a certificate of birth containing all particulars and forward it to the registrar within six months of the birth of the baby.

- Record births in A1/B1 form
- Doctors shall not accept any form of coercion or bribery to forge birth and death registration documents.

b. Legal basis for death registration in Kenya;

- Claiming insurance compensation
- Helps in census follow-up
- Helps the country collect data on major causes of death and strategize appropriately
- For inheritance follow-up
- In cases of sponsorship and funding for orphans, death certificates are required.

13. List and expound on 5 recommended court room etiquette for doctors giving evidence.

- Speak up**; when the judge asks you to speak, keep your voice up to a tone in which can be audibly heard.
- Dress up**; dress formally in a presentable manner
- Stand up**; Stand up when the judge enters and leaves and when he/she is speaking to you. Respect persons of the court even if you do not approve of their techniques or disagree with them.
- Shut up**; do not volunteer extra information in the name of being helpful, unless asked of. Do not become over-enthusiastic about supporting a certain cause or the party that called you.
- Mind language**; avoid jargon. Make medical concepts easier by using examples to explain the principles to the lay person e.g. the lawyers, public person and magistrate.

14. Outline documentation protocols that can be presented as written evidence by a medical practitioner before a criminal court.

- P3 form- medical examination form/ assault form
- A23 form- autopsy form filled out after the death of a person.
- Prc1/2 form- sexual assault form
- Istanbul protocol-tortured and alive
- Minnesota protocol-tortured and dead
- Private reports-
- Request forms and police memo forms-
- Patient registers-

15. In a Forensic case, describe how you would handle trace evidence as a medical practitioner.

- Retrieval**; usually by crime scene expert or police officer. When collecting the evidence care must be taken to avoid any contamination and loss of evidence. Appropriate protective gear such as gloves, lab coats to avoid contamination from the clothes of the collector and the gloves changed as required.
- Packaged**; keep items in a secure sealed bag. Usually paper bags are used for blood, clothes, hair. The use of plastic is avoided as much as possible. Wet clothes should be air dried, packaged in small container and tightly to avoid leakage.
- Preserved**; should be dried, refrigerated (4 degrees) or frozen e.g. in the case of semen
- Transported**; the police usually freight the sample from crime scene to lab, care should be taken in the transportation, should not take too long to reach lab (i.e. police officer shouldn't keep it in his office for days then give it to the lab) should also not be allowed near flammable objects, kept away from liquids, static electricity and foot traffic.

-**Analysed**; if during the processes above contamination occurred. It should be documented and reported to the lab analyst.

16. **List the members of the Kenya Medical Practitioners and Dentistry Board and describe some of their roles.**

- A chairman appointed by the minister.
- A director of medical services.
- A deputy director of medical services appointed by the minister.
- 4 medical practitioners appointed by the minister.
- 5 medical practitioners and 2 dentists elected by the members.
- Representatives of the faculty of medicine nominated by faculty board.

Function:

- Regulate the practice of doctors and dentists.
- Specify training requirements.
- Registration and issue of certificates of registration of qualified doctors and dentist.
- Publication of register of doctors.
- Granting, revoking and suspending licenses. E.g. licensing to run private practice.
- Discipline doctors and dentists. E.g. disciplinary proceedings, rules.

17. **Define medical negligence and describe two scenarios where there was medical negligence.**

Medical negligence happens when a medical/dental practitioner fails to provide the adequate level of care that is expected of him/her in that case thus resulting in injury or death of that patient.

18. **List and explain five scenarios where breach of confidentiality is allowed.**

- Following a court order
- In terrorist and gunshot victims
- In notifiable diseases
- To close care givers
- If the patient poses a threat to him/herself and others.

19. **Describe the etiquette of a medical practitioner to be practised when presenting evidence in court.**

Speak up; when the judge asks you to speak, keep your voice up to a tone in which can be audibly heard.

-**Dress up**; dress formally in a presentable manner

-**Stand up**; Stand up when the judge enters and leaves and when he/she is speaking to you. Respect persons of the court even if you do not approve of their techniques or disagree with them.

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-**Mind language**; avoid jargon. Make medical concepts easier by using examples to explain the principles to the lay person e.g. the lawyers, public person and magistrate.

20. **Name 5 famous forensic scientists and the work that they did in contributing to Forensic science.**

- Francis Galto- fingerprinting
- Leon Lattes- blood stain identification
- Alphonse Bertillo- anthropometry

- Sir Arthur Conan Doyle- Author of Sherlock Holmes
- Mattheu Orfila- father of toxicology

21. List the four principles of Daubert in admissibility of evidence in court.

- Evidence must be tested and testable
- Peer review and publication
- Evidence must have a known error rate
- Must have standards and control
- Evidence must be generally accepted by the scientific community

22. Briefly describe the criteria used in determining proof of negligence by a physicians.

The following must be established;

- There was a doctor-patient relationship
- There was a duty to care
- There was a breach in the duty to care
- The breach caused harm to the patient
- The harm caused resulted in loses.

23. Define trace evidence using an example. Add notes on Loccard's principle.

-A form of physical evidence that occurs in very minute quantities at the scene of crime and usually invisible to the naked eye. Examples include: semen, hair, saliva. They are normally retrieved, packaged, preserved, analysed and then presented to the courts.

- Exchange is by Loccard's principle - Loccard stated that every time one makes contact with an object, person or place, it results in an exchange of physical materials. Therefore a perpetrator of a crime scene will bring something to a crime scene and leave with something from the crime scene. Both of these can be used as evidence in forensic medicine to associate the trace evidence with objects or persons.

24. Describe the chain of custody of evidence collected by a medical doctor.

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25. List the principles of medical ethics and explain the meaning of each.

Confidentiality – a physician must ensure that the medical information he/she holds about a patient is only accessible to those that the patient has given access via autonomy and informed consent. Confidentiality must also be maintained after death of that patient however can be

broken in situations like criminal cases by court orders, potential danger to public safety, notifiable diseases.

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26. Briefly discuss alcoholism under the following subheadings;

- a. **Definition-** Alcoholism refers to any condition that results in the continued consumption of alcoholic beverages despite health problems and negative social consequences.
- b. **Predisposing factors, psychosocial and physical effects -** It is estimated that 9% of the general population is predisposed to alcoholism based on genetic factors. Some risk factors, including social environment, stress, emotional health, genetic predisposition, age, and gender have been identified. Those who consume alcohol at an early age, by age 16 or younger, are at a higher risk of alcohol dependence or abuse. The proportion of men with alcohol dependence are higher than that of women, 7% and 2.5% respectively.
- c. **Lab indicators of alcoholism-** Macrocytosis, Elevated GGT, Moderate elevation of AST and ALT and an AST:ALT ratio of 2:1. High carbohydrate deficient transferrin (CDT). However, none of these blood tests for biological markers are as sensitive as screening questionnaires.
- d. **Criteria for assessing alcoholism-** CAGE questionnaire among other questionnaires as well as laboratory tests cited above.

27. Discuss the content of information that can be included in medical records.

- History: name age, family history,
- Physical examinations
- Signs and symptoms and medical history
- Payment via insurance
- Treatment plan

28. What are the various methods in which medical records can be kept? Add notes on the importance of good record keeping.

Methods;

- The records are used to assist in provision of health care to the patient i.e. previous history of a patient can help in the diagnosis of a new disease; continuity of care.
- Keeping records reduces liability in case of litigation.
- Integrates treatment when being treated by different health care providers
- They can be used as evidence in negligence claims.
- Helps in computing hospital bills.
- They can be used in referring of patients.
- They can be used as sources of data in research.

29. Describe the sources of law in Kenya

- The constitution**; binds all the citizens of a particular country and nothing is above the constitution.
- Customary law** e.g. African customary law- These are the rules or body of rules whereby rights and duties are acquired or imposed by the usage by a particular community. Only applicable in civil matters (not criminal). Customary law should be reasonable, not repugnant, conforms to the constitution, and immemorial
- Islamic law**- only applies when both parties profess the Islamic religion and only under matters on personal status, marriage, divorce and inheritance. It is only applied by the kadhi's courts.
- Common law**, equity and statutes of general application. Refers to the law that was applied by the courts that was developed by a system of precedents without referring to legislation made by Parliament.
- International law** – these are laws that exist between countries they can be bilateral or multilateral and come into play when citizens of different countries fall into a dispute. These international laws are used to determine which law of which country will apply to the situation. Can be public or private international.
- All written laws including **delegated legislation**- Statutes (a written law passed by a legislative body) can sometimes delegate law making power to specific persons or other administrative bodies. However delegated legislation derives its authority from the parent act. E.g. the traffic act, children's act.

30. Explain the advantages and disadvantages of legislation and common law as sources of law in Kenya.

Advantages

- They are easily accessible – can be found in all legal libraries (both analogue and digital libraries)
- The separation of powers is effected – the legislature makes the laws and the judiciary adjudicates on the laws; executive enforces the law
- Legislation is not retrospective in nature generally
- Fills in gaps that are in existence due to new developments in society – e.g. privacy laws and mobile phones

Disadvantages

- Laws may be imposed by the ruling class in society
- May be the wish of Parliament and not the public – e.g. passing into law the send-off package for the retired presidents, increase in salary of the MP's, etc.
- Procedure may be too lengthy and formal – urgent needs may be compromised

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- May be lengthy in content and difficult to read and understand without the aid of a lawyer
- Sometimes the lengthy and technical bills do not receive the attention and appreciation they deserve in Parliament

31. Explain the legal elements that are required for criminal liability and the constitutional rights that are relevant for a person to be arrested and charged with a crime.

In order to hold someone guilty of a crime, it must be proved that the person not only committed the illegal act but also had the mental intention to do so. There must be the actus reus (the illegal act) and the mens rea (the intention). Actus non facit reum nisi mens sit rea – an act does not make a man guilty of a crime unless his mind is also guilty.

32. Briefly explain the elements that make up a legally enforceable contract.

- Contractual capacity** –one must have a legal ability to enter into the contract
- Validity**- there is a valid offer and valid acceptance
- Consideration**- one party must undergo some loss/detriment at the expense of the party gaining
- Intent**- there must be intention by both parties to create legal relations.
- Object of the contract isn't fraudulent
- Parties entering the contract aren't under force or fraud

33. Describe the requirements for registration as a private practitioner in Kenya.

- A certificate or original degree
- Relevant testimonials
- Copy of national ID
- Prescribed fees
- A duly completed prescribed form
- Current passport size photograph

34. Write brief notes on the following;

- Definition of legal custody-** Having legal custody of your children means that you are responsible for making decisions about the important things in their lives, like where they go to school, what religious instruction they receive, whether they need academic tutoring or psychological counselling, and when they go to the doctor.
- Which parent can be granted legal custody?** A fit child's mother, the child's father if he was married to the mother at the time the child was born, if he registered the child's birth with the mother, if he marries the mother and registers parental responsibility. The child's legally appointed guardian, a person with a residence order regarding the child. A local authority designated to care for the child or any person/authority with an emergency protection order for the child.
- Who is an unfit mother?** A mother who is abusive, neglective, or one that has failed to provide care and affection for the child or mentally incapable or by any means incompetent to fulfil the duties and responsibilities of a parent to the child.
- When does the state have power to limit parental authority?** When the parents endanger the welfare of the child, in cases dealing with high risk or sensitive procedures, where the parent has an emotional conflict that has impaired the ability to make a decision based on the best interest of the child. When a treatment decision interferes with the child's right.

35. Describe the Tuskegee experiment of 1932-1972 and highlight on the ethical problems that were manifested.

The Tuskegee Study of Untreated Syphilis in the Negro Male, was an infamous, unethical, and malicious clinical study conducted between 1932 and 1972 by the U.S. Public Health Service. The purpose of this study was to observe the natural progression of untreated syphilis in rural African-American men in Alabama under the guise of receiving free health care from the United States government. The study was conducted to understand the disease's natural history throughout time and to also determine proper treatment dosage for specific people and the best time to receive injections of treatments. The Public Health Service started working on this study in 1932 in collaboration with Tuskegee University, a historically black college in Alabama. Investigators enrolled in the study a total of 622 impoverished, African-American sharecroppers from Macon County, Alabama. Of these men, 431 had previously contracted syphilis before the study began, and 169 did not have the disease. The men were given free medical care, meals, and free burial insurance for participating in the study. The men were told that the study was only going to last six months, but it actually lasted 40 years. After funding for treatment was lost, the study was continued without informing the men that they would never be treated. None of the men infected were ever told that they had the disease, and none were treated with penicillin even after the antibiotic was proven to successfully treat syphilis. According to the Centers for Disease Control, the men were told that they were being treated for "bad blood", a colloquialism that described various conditions such as syphilis, anaemia, and fatigue. "Bad blood"—specifically the collection of illnesses the term included—was a leading cause of death within the southern African-American community.

The 40-year study was controversial for reasons related to ethical standards. Researchers knowingly failed to treat patients appropriately after the 1940s validation of penicillin was found as an effective cure for the disease that they were studying. The revelation in 1972 of study failures by a whistle-blower, Peter Buxtun, led to major changes in U.S. law and regulation on the protection of participants in clinical studies. Now studies require informed consent, communication of diagnosis, and accurate reporting of test results.

By 1947, penicillin had become the standard treatment for syphilis. Choices available to the doctors involved in the study might have included treating all syphilitic subjects and closing the study, or splitting off a control group for testing with penicillin. Instead, the Tuskegee scientists continued the study without treating any participants; they withheld penicillin and information about it from the patients. In addition, scientists prevented participants from accessing syphilis treatment programs available to other residents in the area. The study continued, under numerous US Public Health Service supervisors, until 1972, when a leak to the press resulted in its termination on November 16 of that year. The victims of the study, all African American, included numerous men who died of syphilis, 40 wives who contracted the disease, and 19 children born with congenital syphilis.

36. Write brief notes on the Nuremberg code of 1946.

The Nuremberg Code is a set of research ethics principles for human experimentation set as a result of the subsequent Nuremberg trials at the end of the Second World War. The ten points of the Nuremberg Code;

- Required is the voluntary, well-informed, understanding consent of the human subject in a full legal capacity.

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- The experiment should aim at positive results for society that cannot be procured in some other way.
- It should be based on previous knowledge (e.g. an expectation derived from animal experiments) that justifies the experiment.
- The experiment should be set up in a way that avoids unnecessary physical and mental suffering and injuries, except, in experiments where the experimental physicians also serve as subjects.
- It should not be conducted when there is any reason to believe that it implies a risk of death or disabling injury.
- The risks of the experiment should be in proportion to (that is, not exceed) the expected humanitarian benefits.
- Preparations and facilities must be provided that adequately protect the subjects against the experiment's risks.
- The staff who conduct or take part in the experiment must be fully trained and scientifically qualified.
- The human subjects must be free to immediately quit the experiment at any point when they feel physically or mentally unable to go on.
- Likewise, the medical staff must stop the experiment at any point when they observe that continuation would be dangerous.

37. Outline some of the major statutes upheld by the Hippocratic Oath.

- Non-discrimination of patients
- Apprenticeship of medicine
- Non-compliance to abortion or euthanasia
- Beneficence of patients
- Non-maleficence of patients
- Patients confidentiality

38. Outline the hierarchical system of courts in Kenya.

In order from highest;

- Supreme court
- Court of appeal
- High court
- Magistrate court
- Tribunal courts

39. Outline the civil and criminal procedure in Kenya.

40. List any ten important laws governing medical practise in Kenya and their respective CAPS.

- Births and registration act CAP 149
- Public health act CAP 242
- Pharmacy and poisons act CAP 244
- Dangerous drugs act CAP 245
- Medical practitioners and dentists act CAP 253
- Medical laboratory technicians technologists act CAP 253a
- Nurses CAP 257
- Registered clinical officers act CAP260

41. Explain the relationship between social security and public health.

A government that increases public health will in turn spend less on social security funds as the health of the population will increase. On the other hand, increase in social security funds enables the population to be better financially empowered and thus reduces on poverty and ultimately on public health issues.

42. Explain with an example, *actus reus* and *mens rea* as part of the elements of criminal liability.

For a suspect to be found criminally liable for any crime, the prosecution has to prove that he/she had (*mens rea*); the intention and mental competence as well as (*actus reus*); action or conduct which is a constituent element of the crime. This explains why psychopathic criminals are taken for a mental assessment when they commit a crime and are afterwards taken for mental treatment instead of conviction. They have no *mens rea*.

43. Describe the basis for organ transplant and some of the laws/restrictions governing organ transplants.

Governed by the Human Tissue Act CAP 252. Brain stem death is an important criteria. Vulnerable populations such as the poor, those in prisons etc. shouldn't be exploited. Compensation for donors is not allowed
Organ trafficking is illegal
Should be done by medical professionals in the highest standards possible

44. Define health as a socio-economic right.

Everyone has a right to the highest attainable standards.

45. List some of the sources of radioactive dose exposure, add notes on the 4 possible effects of cells exposure to radiation.

- Natural/ background
- Man-made sources – x-rays, radioactive materials (sealed/unsealed)

Effects;

- Suffer enough damage to cause loss proper function
- Lose its ability to reproduce
- The cell's genetic code (i.e., the DNA) may be damaged such that future copies of the cell are altered, which may result in cancerous growth
- The absorption of radiation by a cell may have no adverse effect.

46. Describe using examples the different levels/parts of poisons and the different faculties licensed to possess them by the Pharmacy and poisons board.

- Part 1 generally states the purer products e.g. Arsenic, whereas Part II states compounds e.g. Calcium arsenites.
- Part I poisons sold by authorized seller of poisons; whole sale dealers and dealers in mining, agricultural or horticultural accessories
- Part II poisons sold by persons entitled to sell Part I poisons and by persons licensed to sell Part II poisons. Part II poisons restricted to articles which are in common use and adequate facilities should be available for the Public to obtain them.

47. Define evidence and classify the different types of evidences.

Refer to number 3

Evidence, in law, any of the material items or assertions of fact that may be submitted to a competent tribunal as a means of ascertaining the truth of any alleged matter of fact under investigation before it.

48. Describe the basic principles of ethical practice in medical research as outlined in the Helsinki declaration.

- The fundamental principle is respect for the individual
- Right to self-determination and
- The right to make informed decisions (Articles 20, 21 and 22) regarding participation in research, both initially and during the course of the research.
- The investigator's duty is solely to the patient (Articles 2, 3 and 10) or volunteer.
- While there is always a need for research (Article 6), the subject's welfare must always take precedence over the interests of science and society (Article 5),
- Ethical considerations must always take precedence over laws and regulations (Article 9).
- Recognition of the increased vulnerability of individuals and groups calls for special vigilance (Article 8).
- It is recognized that when the research participant is incompetent, physically or mentally incapable of giving consent, or is a minor (Articles 23, 24), then allowance should be considered for surrogate consent by an individual acting in the subject's best interest, although their consent should still be obtained if at all possible (Article 25).

49. List various licenses that are offered by the Kenya Medical Practitioners and Dentistry Board.

- Private practice license
- License to conduct a dental or medical camp
- Temporary license for foreign doctors
- License to practice as a certified medical or dental practitioner
- License to open a health institution
- License to open and run a nursing home

50. State the importance of seeking consent in research.

- Consent is viewed as an integral part of the patient-doctor relationship.
- It is important so court cases don't arise later. Doctor is not liable and can defend himself
- So that patients can make an informed decision after learning of all the risks and benefits- patient autonomy.
- So that patients aren't exploited and treatment withheld when drugs are later available i.e. in research example of syphilis case in US.
- So that voluntarism is shown and not force/coercion in undertaking research
- So that patient is aware of alternatives in case he/she does not want to participate.
- Consent derives directly from the ethical principle of autonomy or self determination

51. Describe the consent process when undertaking research.

Consent process requires a competent patient who is not under the influence of force or coercion and not bound by language or cultural barriers to sign a written form in the presence of a witness containing the following information:

- Title of research proposal
- Name of researchers and their introduction
- Objectives of research and goals
- Risks to participants
- Benefits to participants
- Alternatives for treatment in case one does not want to participate
- Confidentiality- how safe is the information

- Voluntarism
- Contacts of researchers.
- Schedule of visits and specimens to be taken each time
- Signature of participants and witnesses.

The consent process can also be overlooked by the ethics and review board to make sure it is following the ethical guidelines.

52. Discuss the mandate of the radiation protection board of Kenya.

The board has the power to regulate on the:

- Import and export of radioactive materials, substances and devices.
- The manufacture of radioactive materials, substances and devices.
- The disposal of radioactive materials, substances and devices.
- Possession of radioactive materials, substances and devices
- To grant or refuse or extend the license of vendors selling radioactive material and the license of the purchaser buying the radioactive material.
- Application of radioactive substance by one person to another for the purpose of diagnosis or treatment unless it is prescribed by a medical practitioner or dentist registered under the KMPD act.
- No person shall apply radioactive material to another unless he has a license under the act
- Owner of irradiating device must notify the board in writing for his installation, purchase, intended use and purpose of the radioactive device and safety measures taken to store it.
- To keep a register of the owners of irradiating devices into/manufactured in Kenya and of premises licensed to dispose of radioactive waste.

53. The Geneva declaration is an affirmation of the ethical practice of medicine. Give an account of the historical events that led to its adoption by the world medical association.

- Inhuman means employed to win world war
- Torturing of prisoners of war during the world war
- Experimentation on prisoners of war by doctors
- Civilians facing collateral damage during war
- Children and women harassed and abused during the war.

54. Mention the labour rights provided by the Kenya constitution of the year 2010 to every worker including doctors in Kenya.

- Every person has the right to fair labour practices.
- Every worker has the right--
 - (a) To fair remuneration;
 - (b) To reasonable working conditions;
 - (c) To form, join or participate in the activities and programmes of a trade union; and
 - (d) To go on strike. (Though this is unethical for doctors)

55. List reasons that have previously led doctors in the public health care sector in Kenya to go on industrial strike.

Lack of the above rights stated in number 56

56. Describe the term informed consent as used in research.

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Consent process requires a competent patient who is not under the influence of force or coercion and not bound by language or cultural barriers to sign a written form in the presence of a witness containing the following information:

- Title of research proposal
- Name of researchers and their introduction
- Objectives of research and goals
- Risks to participants
- Benefits to participants
- Alternatives for treatment in case one does not want to participate
- Confidentiality- how safe is the information
- Voluntarism
- Contacts of researchers.
- Schedule of visits and specimens to be taken each time
- Signature of participants and witnesses.

The consent process can also be overlooked by the ethics and review board to make sure it is following the ethical guidelines.

57. Briefly discuss from a doctor's point of view why poor remuneration and poor working conditions raises concerns and in some cases leading to industrial strike by doctors in the public health sector.

58. Provide three reasons to explain the global adoption of the declaration of Geneva (physician's oath) by the world medical association in 1948.

- The details of the Nazi Doctors' Trial at Nuremberg (atrocities committed by the Nazi doctors) and the revelations about what the Imperial Japanese Army had done at Unit 731 in China during the war clearly demonstrated the need for reform.
- To have security of persons.
- The primary goal of the WMA is to establish and promote the highest possible standards of ethical behaviour and care by physicians.

59. Discuss the 4 conventions and 3 protocols of the Geneva Convention.

- The first Geneva Convention protects wounded and sick soldiers on land during war.
- The second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war.
- The third Geneva Convention applies to prisoners of war.
- The fourth Geneva Convention affords protection to civilians, including in occupied territory. In 2005, a third Additional Protocol was adopted creating an additional emblem, the Red Crystal, which has the same international status as the Red Cross and Red Crescent emblems.
- Additional Protocol I - international conflicts
- Additional Protocol II - non-international conflicts
- Additional Protocol III - additional distinctive emblem.

60. Describe the roles and functions of the Ethical Review Board.

- To ensure that research complies with national laws and international guidelines on bioethics in research involving human participants.
- To assess ethical and scientific issues of proposed research

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- To give permission for research to be conducted
- To monitor research already in progress for: Severe adverse event (SAEs) reporting- deaths/side effects, Consent monitoring- understandable to participants in an acceptable language
- To develop policies governing specific aspects of research at the institutional, local or national level
- Have mandate to stop the research if harmful to participants

We are stronger together through prayer!



LET'S WALK WITH EACH OTHER, SUPPORTING EACH OTHER AND ABOVE ALL PRAYING FOR ONE ANOTHER THROUGHOUT THIS JOURNEY EVEN AS GOD GUIDES US INTO THE GREAT DOCTORS HE'S ORCHESTRATED US TO BE!!!