

22. List of principles of ethical review by Ethics and Review Boards (ERB).

- a) Independence
- b) Competence
- ~~c) Pluralism~~
- d) Transparency
- e) Scientific integrity

23. Vulnerable populations are those **best** characterized as:

- a) Relatively poor persons
- b) Persons who are mentally incompetent
- c) Non-citizen residents in a foreign country
- d) Persons experiencing emotional distress
- ~~e) Persons who stand in severely unequal power relationships with others~~

24. Informed consent is best defined as:

- a) Autonomous decision to undergo medical procedure
- b) Coercion to participate in research
- c) Voluntary but uninformed decision making
- ~~d) Voluntary decision to participate in research by a competent individual who has received and understood necessary information~~
- e) Consent by vulnerable subjects to undergo medical procedures

25. In cases of minors who have no parents, who gives consent?

- a) Consent can be waived
- b) Nobody
- c) The State
- d) Social worker
- ~~e) Legal guardians~~

26. If patient is a threat to self or others, physician must break confidentiality due to:

- ~~a) Duty to warn and protect~~
- b) Suicide
- c) Homicide
- d) Infectious disease
- e) Abuse

27. Key rules of good doctor patient relationship **except**:

- a) Always patients interest first ✓
- b) Autonomy of patient ✓
- c) Negotiate rather than order ✓
- ~~d) Tell patient everything, even when not asked~~
- e) Compassionate

28. Full informed consent requires patient had received and understood the following **except**:

- a) Nature of procedure ✓
- b) Risks ✓
- c) Benefits ✓
- ~~d) Method of operation~~
- e) Alternatives ✓

29. Patient confidentiality rule may be broken except:
- a) To a lawyer
 - b) In terrorist/gunshot victims
 - c) To a court of law
 - d) In case of a notifiable disease
 - e) To close care givers
30. The Tokyo declaration of 1975 states that doctors:
- a) Shall not condone or participate in torture or cruel procedures in any situation
 - b) Shall allow their premises to be used for inhuman treatment as long as they are absent
 - c) Shall participate in torture as long as death does not occur during armed conflict
 - d) Can oversee inhuman treatment as long as its conducted professionally
 - e) Shall change medical ethics to suit the circumstances
31. As a physician, one can breach professional confidentiality if:
- a) He disagrees with his boss
 - b) He supports torture
 - c) He keeps proper medical records
 - d) He is denouncing acts of torture
 - e) He is working in a conflict zone
32. Medical ethics in times of armed conflict:
- a) Allows the physician to experiment on victims
 - b) Allows the physician to ignore prisoners of war
 - c) Are identical to medical ethics in times of peace
 - d) Physicians primary obligation is to advocate for ceasefire
 - e) Not special consideration is needed for vulnerable groups
33. Medical boards can offer the following punishments to physicians who practice unethically through:
- a) Imprisonment
 - b) Censure
 - c) Restrict to public hospital practice
 - d) Suspend licence
 - e) Revoke
34. Cases that may require forensic exhumation except:
- a) Changed land ownership
 - b) Common criminal cases
 - c) Human rights cases
 - d) Mass disasters
 - e) Terrorism
35. In all countries, medical practice is controlled by:
- a) A code of conduct
 - b) The Ethics and research committee or board
 - c) Public Officers code of ethics Act
 - d) The International Medical Associations Assembly
 - e) National laws and regulations

36. The origins of the Hippocratic oath can be said to have originated from
- The Law of Hammurabi
 - Arabian doctors in Northern Africa and the Mediterranean region
 - The Roman Empire
 - The Dark ages
 - ~~The Greek island of Cos~~ → Hippocrates was born on the island of Cos
37. The original Hippocratic oath did not explicitly include a clause on:
- Procurement of an abortion
 - Discrimination against patients be they free or slaves
 - Teaching the art of medicine to subsequent generations ✓
 - Human experimentation and clinical trials
 - Euthanasia
38. Which of the following may not be illegal but against "peer conduct"?
- ~~Sending patients from Kenyatta National Hospital to your private clinic~~
 - Charging fees for a clinical consultation ✗
 - Carrying out research on your patients
 - Giving free samples of prescription medication to your patients
 - Giving subsidized service during a cancer screening exercise
39. Medical confidentiality may be "breached" in all of the following circumstances except:
- Parents/guardians of a child ✓
 - Statutory requirement to report an epidemic ✓
 - ~~To a lawyer in a civil case~~
 - In a court of law where a doctor is a witness ✓
 - A firearm injury after a street shoot-out
40. Why is it necessary to legislate on medical practice?
- Because the State of Kenya itself needs medical attention
 - Because medical practice is a dangerous occupation.
 - Because the present Jubilee Government put it in their manifesto. ✓
 - Because government needs to create many jobs for medical personnel
 - ~~Because the health of the population is a key priority of the State.~~
41. Several laws of Kenya may appropriately be called "medical laws". Which one of the following is not?
- ~~Public Hospitals Act~~
 - Mental Health Act ✓ Cap 245
 - Medical Practitioners and Dentists Act ✓ Cap 242
 - Public Health Act ✓ Cap 242
 - Anatomy Act ✓ Cap 242

1. The Hippocratic
 2. Send 400
 3. Third reading
 4. President's letter
 5. Commemorative

42. Which of the following is the most important formal source of medical laws in Kenya?
- a) The Ministries of Health and Medical Services respectively
 - b) Parliament
 - c) Kenya Medical Practitioners & Dentists Board
 - d) The Judiciary
 - e) The Committee of Experts on New Constitution
43. Laws enacted by Parliament are called:
- a) Decrees of Parliament
 - b) Legislative Orders
 - c) Parliamentary Standing Orders
 - d) Act(s) of Parliament
 - e) Delegated legislation
44. In the parliamentary law-making process in Kenya, which of the following is the stage immediately after passing of the Bill by the National Assembly?
- a) Cabinet Preparation of the Bill
 - b) Assent by the President
 - c) Media Reporting
 - d) Gazettement
 - e) Implementation by relevant Minister
45. The New Constitution of Kenya 2010 has re-defined the term "Parliament" to mean:
- a) The President, Prime Minister and Senate
 - b) National Assembly and Senate
 - c) National Assembly and County Assemblies
 - d) Senate and County Assemblies
 - e) The President and the National Assembly.
46. The primary function of the Mental Health Act is:
- a) Training of Psychiatrists and other mental health experts
 - b) Teaching of mentally disordered persons
 - c) Managing and controlling mental patients in Kenya
 - d) Custody of mentally ill patients and management of their estates
 - e) Creation of employment for medical and para-medical staff in the mental health sector in Kenya.
47. Which of the following is the definition of "substance abuse" under the Mental Health Act?
- a) Trafficking in or deep affection for opioids, sedatives and anxiolytics
 - b) Persistent or recurrent social, occupational, psychological or physical problems
 - c) Keeping for use and sale of substantial quantities of alcohol, amphetamines, cocaine, hallucinogens, inhalants and other similar substances
 - d) Substantive use or dealing in various hazardous substances.
 - e) Maladaptive pattern of use as indicated either by recurrent or continued use of psychoactive substances

- According to the Mental Health Act, who is a 'person suffering from mental disorder'?
- A person who has been found to be suffering mental illness under the New Constitution of Kenya.
- ~~b) A person deemed to be suffering under the statute including psychopathic persons and mentally impaired persons.~~
- c) A person given to shouting, shrieking and running berserk at the slightest provocation.
- d) Any person who is arrested by the Police, Chiefs and Assistant Chiefs under this Act.
- e) All people who talk to themselves in markets, towns, streets and other public places.
49. In case of professional medical negligence concerning a patient, which courts have the jurisdiction to hear and determine the matter?
- a. The Negligent Court
- b. The Criminal Court
- c. The Constitutional Court
- d. The Civil Court
- ~~e. The Medical Practitioners and Dentists Disciplinary Tribunal.~~
50. Let's assume a person is killed in mysterious circumstances and the Police are unable to prefer charges against a suspect. They round up, question and detain scores of people and later release all of them. What is the procedure available for the family in court?
- a. Manslaughter proceedings
- b. Criminal enquiry
- c. Murder proceedings
- ~~d. Inquest proceedings~~
- ~~e. Commission of Enquiry.~~
51. The laws of tort govern civil claims arising from personal injury. Which of the following is a tort for personal injury claims?
- a. Nuisance
- ~~b. Defamation~~ *only statement that hurts one's reputation*
- ~~c. Negligence~~
- d. Damages
- e. Contract
52. Suppose you are summoned to court as a pathologist where murder proceedings are taking place. What is your role?
- a. To ensure the prosecution wins its case against the accused person *
- b. To present the death certificate to court.
- c. To guide and enlighten the court about the meaning of murder and its negative consequences *
- ~~d. To assist the court establish the cause of death~~
- e. To ensure that the defense wins its case against the prosecution *
53. Which of the following injuries is NOT ordinarily an "accident"?
- ~~a. Suicide~~
- b. Gym machine amputation of limb
- c. Fractures arising from motor bike collision with a tractor
- d. Burns inflicted by house fire
- e. Gunshots by game rangers

54. Which one of the following is part of the criminal procedure in Kenya?

- ~~a.~~ Executing warrants of attachment
- ~~b.~~ Arresting suspected offenders
- c. Creating statistical details of crime in Kenya
- ~~d.~~ Visiting other countries' courts
- e. Creating a data bank of all witnesses in court.

55. Which one of the following is NOT part of the criminal procedure in Kenya?

- a. Cross-examining witnesses in court ✓
- ~~b.~~ Executing warrants of attachment ✓
- c. Arresting suspected offenders ✓
- ~~d.~~ Sentencing and conviction ✓
- ~~e.~~ Visiting scenes of crime as Court may decide ✓

56. Which of the following is NOT part of the civil procedure in Kenya?

- ~~a.~~ Preferring charges and preparing charge sheets
- b. Serving warrants on Judgment debtors on Orders of the Court
- c. Obtaining decree and certificate of costs
- ~~d.~~ Executing warrants of attachment → *property to be attached*
- e. Cross-examining witnesses in court

57. Which of the following is a function of the Judiciary?

- ~~a.~~ Interpreting and applying legislation
- b. Repealing legislation
- c. Amending the Constitution ✗
- d. Processing judicial applications
- e. Enacting legislation

58. Why do you think the State would provide legislation concerning alcohol?

- a. Because the State and its institutions heavily depend on alcohol ✗
- ~~b.~~ Because the use of alcohol boosts the health and well being of Kenyans ✗
- ~~c.~~ Because there are important social and economic issues associated with alcohol use, abuse or misuse
- d. Because the Minister for Public Health requires close monitoring of alcohol use ✓
- e. Because the Attorney General has provided guidance on the use of alcohol

59. Which of the following offences is more directly associated with alcohol use, abuse or misuse?

- ~~a.~~ Trafficking in narcotics
- ~~b.~~ Being drunk and disorderly ✓
- c. Arson
- d. Manslaughter
- e. Being in possession of dangerous or offensive weapons

60. Which one of the following is NOT a source of Law in Kenya?

- a. Public Administrative authorities
- b. Parliament
- c. The Judiciary
- ~~d.~~ The Medical Profession
- e. Customs and traditions of the people of Kenya. ✓

61. Which of the following is NOT a principal function of Law in Society?
- a. Protection of small people against big people
 - b. Control and maintenance of order
 - c. Regulation of human conduct
 - d. Protection of various interests
 - e. Raising state revenue
62. Which one of the following is NOT a function of the Executive in Kenya?
- a. Enacting Laws.
 - b. Maintaining law and order *-day to day running of state activities*
 - c. Preparing the national budget each year
 - d. Enforcing Law against law breakers
 - e. Appointing certain public officials.
63. When a doctor decides to advise or treat a patient, in the eyes of the law this is known as:
- a. Due care, skill and competence of a doctor
 - b. First do no harm
 - c. Voluntary assumption of responsibility
 - d. Fulfillment of job obligation.
 - e. Human rights
64. The law requires a doctor who purports to treat or advise a patient to use:
- a. His opinion primarily, coupled with the established medical theory and practice in doing so.
 - b. Established medical theory and practice coupled with expertise and experience
 - c. Whatever he thinks is best under the circumstances irrespective of the established protocol
 - d. Whatever he or she saw the professor of medicine doing during internship
 - e. His/her research findings and experience
65. At law, a doctor is said to be guilty of negligence when he or she:
- a. Did not exercise their best judgment under the circumstances
 - b. Made choices that other doctors who are skilled would not have made
 - c. Did not employ the due care, skill and competence that an equally qualified doctor would have under the circumstances
 - d. Did not exhibit highly exceptional skill during the treatment
 - e. Ignores the patient's plea to stop a procedure
66. Patient goes to a famous plastic surgeon and says "I want to look like Miss Universe 2010". The doctor promises the patient that after the operation "You will be even more beautiful than Miss Universe 2010", when he is fully aware that no amount of expertise can achieve the desired ends for the patient. After the operation the patient is quite disappointed and wants to take action against the doctor. What will the charges be under the law of contract?
- a. Having too much confidence without firm grounds to support his claim
 - b. Making promises he cannot deliver to a patient due to pride
 - c. Making innocent misrepresentation despite the fact that he could have verified the possibility of giving patient what she wanted
 - d. Making negligent and reckless misrepresentation despite having knowledge and expertise to know that he was not in a position to give client what she wanted.
 - e. Making wrong judgement and assumptions in the 21st century

67. When the doctor is found guilty or liable for negligence under contract law she/he will be liable to:
- Pay damages in the form of money remedies as assessed and directed by the court.
 - Apologise to the aggrieved party and promise never to do it again
 - Try to correct the error he/she made at no extra cost to the aggrieved person
 - Promise to undertake further training to ensure it never happens again.
 - Apologize before the medical practitioners and dentists board
68. When carrying out research of human beings, the process must be vetted by
- A relevant institutional ethics and research board.
 - An institutional performance and standards board.
 - Medical Practitioners and Dentists' Board.
 - Medical professional's board.
 - A relevant institutional board.
69. Types of evidence given by medical doctors in courts of law as per the evidence act cap 80 except
- Oral evidence ✓
 - Documentary evidence ✓
 - Circumstantial evidence ✓
 - Direct evidence ✓
 - Opinions based on facts ✓

70. Policy document by the Ministry of Health that is used in documenting information on sudden unexpected death by the police pathologist
- Form 316
 - A 23
 - P3
 - Istanbul protocol - *alleged future*
 - M 1 form

71. Most appropriate for packaging sealing samples of body fluids and clothing as forms of forensic evidence
- Paper bags
 - Plastic bags
 - Metal boxes
 - Plastic boxes
 - Manila bags

72. Health services as a form of human rights are categorized by the United Nations as
- Economic, social and cultural right *also political.*
 - Scientific and political right
 - Scientific and cultural right
 - Economic and scientific right
 - Social and scientific right

73. The following prohibit the use of medical knowledge in a manner that contravenes international individual rights except
- Nuremberg code
 - Helsinki declaration by WMA
 - WMA-Helsinki declaration: ethical principles for medical research involving human subjects ✓
 - Geneva declaration 1949 ✓
 - Abuja declaration

12

Nuremberg code → research ethics principles for human experimentation.

The main purpose of recognizing and protecting Human rights and fundamental freedoms under the constitution of Kenya 2010 is

- a. To ensure one enjoys a state of well-being and safety ✓
- b. To preserve the dignity of an individual and promote social justice and the realization of the potential of a human being ✓
- c. To promote social cohesion and justice ✓
- d. To promote justice and accountability of the medical personnel ✓
- e. To promote social justice and accountability of the state to its citizen ✓

75. The bill of rights under the constitution of Kenya 2010 declares that every Kenyan citizen has the right to all of the following except

- a. Highest attainable standard of health care services ✓
- b. Safe water ✓
- c. Adequate housing ✓
- d. Social security ✓
- e. ~~in vitro fertilization as a form of reproductive health right~~

76. Not a form of trace evidence

- a. Finger print ✓
- b. Semen ✓
- c. Fibre ✓
- d. Hair ✓
- e. ~~Spent cartridge~~

77. The principle of transfer of trace evidence is also referred to as

- a. ~~Loccard's Principle~~
- b. Rokitansky's Principle ✓
- c. Latulle Principle ✓
- d. Gohn's Principle ✓
- e. Allan's Principle ✓

78. Which of the following is not generally classified as a vulnerable person

- a. Prisoner ✓
- b. ~~Minor~~
- c. ~~Alcoholics~~
- d. Elderly patients ✓
- e. ~~Those in police cells~~

79. The doctor may appear in a court of law as one of the following, except

- a. Scene of crime specialist ✓
- b. Medical expert ✓
- c. Professional witness ✓
- d. ~~Lay witness~~
- e. A suspect ✓

80. The law that defines the practice of medicine in Kenya

- a. Kenya Medical practitioners act - ~~2004~~
- b. ~~Kenya medical practitioners and dentists act~~ CAP 2003 ✓
- c. The criminal procedure act - CAP 75 ✓
- d. The public health act - CAP 242 ✓
- e. Kenya Medical practitioners and dentist Bill

81. A hotelier has 10 employees working at his resort in Naivasha. They all are found without food handlers' certificate. The hotelier will be charged in court under which act

- ~~a. The public health act~~
- b. The medical practitioners act
- c. The evidence act *CAP 50*
- d. The criminal procedure code - *cap 75*
- e. The penal code

82. A doctor is arrested by the police at Eastleigh area while procuring an abortion for a 16 year old school girl. He is arraigned in court for a criminal offence. He is likely to be charged under which act?

- a. The penal code
- b. The public health act
- c. The mental health act
- d. The children's act
- e. Kenya medical practitioner's act

83. The bill that mainly protects children from paedophiles in Kenya is

- a. Children's act
- b. Anti paedophilia act
- c. Public health act
- d. Mental health act
- e. Sexual offences act

84. A doctor fails to appear in a court of law as a witness of the prosecution. Which document may be issued as a lesson for non-compliance

- a. court order
- b. warrant
- ~~c. Subpoena~~
- d. citation
- e. contempt note

85. Upon giving evidence as a prosecution witness in medicine, the defense is expected to carry out —

- ~~a. to the medical doctor~~
- ~~b. cross examination - defence lawyer~~
- ~~c. examination in chief - prosecutor~~
- d. re-examination - prosecutor
- e. interview
- e. summary examination

END



UNIVERSITY OF NAIROBI

UNIVERSITY EXAMINATIONS - 2013/2014

LEVEL II EXAMINATIONS FOR THE DEGREE OF BACHELOR OF MEDICINE
AND BACHELOR OF SURGERY

HHP 200 : MEDICAL LAW & ETHICS

MCO/ESSAY PAPER

DATE APRIL 23, 2014

TIME: 11.00AM - 2.00PM

INSTRUCTIONS:

The examinations is in two parts. Part A (Multiple Choice Questions), Part B (Short Answer Questions)

PART A - MCO

1. Answer as directed in each section of the paper.
2. Each question has only ONE correct response.
3. DO NOT GUESS
4. If you make a correction, do so very clearly e.g (A) (A).
5. Enter your examination number and answers on the answer sheet provided.

PART B - ESSAY

1. Answer ALL the questions as directed.
2. All questions are of equal value (25 marks)
3. Write legibly
4. Write your registration number only on each booklet used.

1. Not a source of Law in Kenya

- ~~a) Cultural practices ✓~~
~~b) Constitution ✓~~
~~c) Religious practices ✓~~
~~d) Colonial statutes ✓~~
~~e) Legal encyclopaedias~~

2. Negligence in medical practice refers to

- ~~a) Management of a patient without due care, standards and experience~~
~~b) Management of a patient by junior practitioners~~
~~c) Management of a patient in undesignated sites such as medical camps~~
~~d) Management of a patient without investigations~~
~~e) Management of patient without a written consent~~

3. A Law that dictates food handling standards in Kenya

- ~~a) Medical practitioners and dentists act * Cap 253.~~
~~b) Kenya hotel industries Act~~
~~c) Public health Act - Cap 242.~~
~~d) Kenya hotel accreditation registration act~~
~~e) Food handlers Act~~

4. Prior to carrying out research in human subjects in Kenya, the study protocol must be approved by one of the following except

- ~~a) Ethics and review board at Kenyatta National hospital ✓~~
~~b) Ethics and review board at Pumwani hospital~~
~~c) Ethic and review board at KEMRI ✓~~
~~d) Department of Science and research and technology ✓~~
~~e) Ministry of health ✓~~

5. A dictum used to define a doctors behaviour in court except

- ~~a) "speak up" ✓~~
~~b) "shut up" ✓~~
~~c) "Stand up" ✓~~
~~d) "Dress up" ✓~~
~~e) "Style up"~~

6. Health as a right is classified by the UNITED NATIONS under

- ~~a) Economic, social and cultural and political rights~~
~~b) Medical, surgical and social rights~~
~~c) Social and political rights~~
~~d) Cultural and human rights~~
~~e) Cultural and scientific rights~~

7. Hippocratic oath was written in which year

- ~~a) 480 AD~~
~~b) 480BC~~
~~c) 300AD~~
~~d) 30 BC~~
~~e) 280 BC~~

Health as a right in the Constitution of Kenya 2010 is defined under which context?

- B ~~a) Health Bill~~
~~b) Bill of rights~~
 c) The Public Service Bill
 d) Ethics and Integrity Bill
 e) Leadership and integrity

9. Expert witnesses in Kenya are defined by:

- A ~~a) Evidence act - Cap 80~~
 b) Medical practitioners and dentists Act - Cap 253.
 c) Penal code
 d) Criminal procedure code - Cap 75
 e) Public health Act - Cap 242.

10. Which is the best definition of an expert opinion

- A ~~a) The judgement or conclusion by a professional who is believed to have expertise or specialised knowledge by virtue of education, training, skills and experience~~
 b) The judgement or conclusion by a professional X
 c) The judgement or conclusion by a specialist doctor X
 d) The judgement or conclusion by a medical doctor on a matter before a court of Law.
 e) The judgement or conclusion by judges/magistrates based on the evidence presented by a medical specialist.

11. International code of Medical Ethics based on Hippocratic oath includes the following except:

- B ~~a) Duties of physicians in general ✓~~
~~b) Code of conduct by physicians ✓~~
 c) Duties of physicians to the sick ✓
~~d) Duties of physicians and pharmacists ✓~~
 e) Medical ethics in practice ✓

12. Medical practice conduct and duties of physicians include the following except:

- D ~~a) Respecting rights of patients and professional colleagues ✓~~
 b) Safeguarding patients confidence ✓
 c) Maintaining highest standards of professional conduct ✓
~~d) Paying or receiving any fee for referring a patient to any source X~~
 e) Acting only in the patients' interest when providing medical care ✓

13. The following are fundamental statements in the modern Hippocratic oath EXCEPT

- B ~~a) My professional colleagues shall be my brothers ✓~~
~~b) As a physician I shall conduct self advertisement in print or electronic media or social media~~
 c) I will practice my profession with conscience and dignity ✓
 d) The health of my patients will be my first consideration ✓
 e) I will give my teachers the respect and gratitude which is their due ✓

14. The most common substance of abuse in patients presenting for treatment is:

- a) Tobacco smoking
- b) Khat
- c) Alcohol
- d) Marijuana
- e) cocaine

15. Alcoholism is defined as:

- a) Daily intake of alcohol
- b) Inability to control the amount of alcohol taken per sitting
- c) Uptake of alcohol beyond the amount allowed by the law
- d) Persistent use of alcohol despite negative consequences *Modern definition*
- e) Continued consumption of alcohol despite negative social consequences *old definition*

16. Risk factors for alcoholism except:

- a) Social environment ✓
- b) Stress ✓
- c) Genetic predisposition ✓
- d) Gender ✓
- e) Education level

17. Percentage of cases of alcoholism that are genetically determined

- a) 50-60%
- b) 40-50% *- environ factors*
- c) 10-20%
- d) 20-30%
- e) >75%

18. Lab indicators of alcoholism except:

- a) Elevated alkaline phosphatase
- b) Macrocytosis ✓
- c) Elevated gamma glutamyl transferase ✓
- d) Moderate elevation of aspartate transaminase ✓
- e) Slight elevation of alanine transaminase ✓

19. Physical health effects associated with alcoholism except:

- a) Cirrhosis ✓
- b) Pancreatitis ✓
- c) Polyneuropathy ✓
- d) Epilepsy ✓
- e) Gliomas *malignant tumor of the glial tissue of the NS*

20. Recommended court room etiquettes except:

- a) Avoid Jargon whenever possible ✓
- b) Do not volunteer information beyond what is asked ✓
- c) Give more of your opinions than facts
- d) Be honest of what you do not know ✓
- e) Treat legal practitioners with respect ✓

21. The bond is usually issued by the:
- a) Traffic police officer
 - b) Court
 - c) Witness
 - d) Accused person
 - e) Prosecutor
22. Role of medical practitioner in court is to establish the following except:
- a) Nature of injury ✓
 - b) Relationship of injury to the accident ✓
 - c) Prognosis for recovery ✓
 - d) Whether treatment given departed from proper professional standards ✓
 - e) Determine the amount of money for compensation in cases of injury
23. A medical practitioner is required to give evidence in court in all the following except:
- a) Case of suicide ✓
 - b) Homicide ✓
 - c) Death in road traffic accident ✓
 - d) Death as a result of severe malaria ✓
 - e) Rape cases ✓
24. The following can suppress or stop brain activity on temporary basis: except
- a) Drugs ✓
 - b) Hypoglycaemia ✓
 - c) Hypoxia ✓
 - d) Hypothermia ✓
 - e) Rapid eye movement sleep
25. Determination of death on the basis of brain stem death criteria is important in:
- a) Treatment of patients with head injury
 - b) Determination of exact time of death
 - c) Organ transplant
 - d) Homicidal deaths
 - e) Suicide
26. Organs that can be transplanted: except:
- a) Lung
 - b) Cornea
 - c) Brainstem
 - d) Skin
 - e) Bone marrow
27. Transplant of tissues between two genetically non-identical members of the same species is referred to as:
- a) Allograft
 - b) Autograft - *in the same individual's body*
 - c) Isograft - *genetically identical*
 - d) Xenograft - *from another species*

Interrational cadaver

Kidneys
Bones
Heart-lungs
Face
Cornea
Pancreas

renal cadaveric transplants

e) Split graft

28.

True about organ donors except:

- a) Living donors are the commonest in Kenya ✓
 b) Kidney cadaveric donors are accepted in Kenya X - cadaveric transplants
 c) Donations after cardiac death have inferior outcomes to organs from brain-dead donor ✓
 d) Compensated donations are illegal in most countries ✓
 e) Individuals in detention are not in the position to give free consent to donate organs ✓
not in

lungs

on
p. 13

29. Which of the following is NOT an organ of the Government:

- a) The Legislature ✓
 b) The Executive ✓
 C ~~c) The Congress~~
 d) The Judiciary ✓
 e) The House of Representatives ✓

30. Why is it important for Healthcare practitioners to understand the law?

- a) To intimidate and coerce uncooperative patients X
 b) To compete with lawyers in their knowledge of law X
 c) To pass medical examinations ✓
~~d) To understand their obligations and rights in order to carry out their duties more effectively~~
 e) To know how to handle themselves in court ✓

31. Which of the following is NOT a right of Kenyans under the Bill of Rights?

- a) The right to a clean and healthy environment ✓
 B ~~b) The right to same sex marriage~~ ✓
 c) The right to access employment ✓
 d) The right to healthcare ✓
 e) The right to strike ✓

32. Which is the highest court in the land in Kenya?

- a) The High Court 3
 b) The Court of Appeal 2
 C ~~c) The Supreme Court~~ ✓
 d) The East African Court of Justice
 e) The International Criminal Court

33. What is the role of medical officers under the Alcoholic Drinks Control Act in Kenya?

- a) To test the content of alcoholic substance ✓
 b) To ensure that Alco blow devises are fit for use by the public X
 c) To assist the Government in assessing the utility of alcohol in society ✓
 d) To inspect licensed premises and to ensure that they have good sanitation and drainage systems X
 e) To regulate the content of advertisements X

- is the function of courts in Kenya?
- A
- b) To interpret the Law and ensure that Justice is accessible to all
 - c) To impose the will of the Executive on the people
 - d) To make Law ✗
 - e) To ensure that society upholds morality ✗
 - f) To punish criminals ✗
35. Which of the following does not fall within Civil Law
- B
- a) Succession of estates ✓
 - b) Contractual obligations ✓
 - c) The Tort of Negligence ✓
 - d) Attempted suicide - Criminal law ✗
 - e) The payment of debts ✓
36. Which of the following is NOT a source of Law in Kenya?
- D
- a) Legislation ✓
 - b) The Constitution ✓
 - c) Ratified International Instruments ✓
 - d) Principles of Medical Ethics ✗
 - e) Delegated Legislation ✓
37. Faith is a 16 year old girl who comes to you as a medical practitioner seeking treatment for a Sexually Transmitted Disease. The best action is
- C
- a) Rebuke her for irresponsible behaviour ✗
 - b) Report the matter immediately to her teachers in school and her parents ✗
 - c) Give her the necessary medical treatment and encourage her to inform her parents ✓
 - d) Tell her to come back with her parents ✗
 - e) Treat her ✗
38. What is the definition of parental responsibility under the Children Act in Kenya/
- a) The law that regulates whether it is the father or mother who should make decisions over their children ✓
 - b) the permission that a parent has to control their children ✓
 - c) The rights and duties that parents have in relation to their children ✓
 - d) The power to coerce children into cultic religious practices
 - e) The power that a parent has to ask for dowry before a child can get married ✓
39. What is the definition of 'neighbour' in determining the person to whom you owe a duty of care in the law of negligence?
- a) The person who lives next to you ✓
 - b) Any person that you have a close relationship ✓
 - c) Any person that is in need or in trouble that you come across ✓
 - d) Any person that would be so affected by your actions that you reasonably should have in your mind ✓
 - e) Everybody ✓

40. Explain the relationship between social security and public health
-
41. Which of the following would be in most need of social protection?
- a) Parliamentarians
 - b) Judiciary
 - c) Children, the disabled and the elderly
 - d) Homosexuals
 - e) Healthcare professionals
42. Which of the following is NOT normally to be considered a Social Security Law?
- a) Retirement Benefits Act
 - b) ~~The Mental Health Act~~
 - c) The social Assistance Act
 - d) The National Hospital Insurance Fund Act ✓
 - e) The National Social Security Fund Act ✓
43. Which one of the following is part of the Law of Civil Procedure in Kenya?
- a) ~~Arresting and charging a suspect in court~~
 - b) Organising seminars for Lawyers
 - c) ~~Executing warrants of attachment of property~~
 - d) Visiting Prisoners
 - e) Writing a complaint to the Medical Practitioners and Dentists Board
44. Which of the following is NOT a member of the Executive organ of Government?
- a) The Police
 - b) The Deputy President
 - c) The President
 - d) ~~Senator - Legislature~~
 - e) Cabinet Secretary ✓
45. Why is it important for the state to have a law on Cancer Prevention and Control
- a) Because cancer patients are a heavy financial burden on the state
 - b) Because cancer is contagious and the state wants to prevent new infections ✗
 - c) ~~Because cancer is a public health concern and the state wishes to enhance the welfare of its citizens~~
 - d) Because some prominent politicians are suffering from cancer
 - e) Because it is a good idea for the state to gain popularity with the citizens
46. Which of the following is a devolved function to the County Governments?
- a) ~~The making of Health policies~~
 - b) Immigration and citizenship ✓
 - c) The Court system ✓
 - d) Liquor Licensing ✓
 - e) Labour standards ✓

47. Which of the following is a way in which citizenship in Kenya may be revoked?
- a) By getting married to a foreigner
 - b) By acquiring citizenship of another country
 - c) By reaching or associating with an enemy during war
 - d) By getting divorced
 - e) Publicly declaring that you are no longer a citizen of Kenya
48. Which of the following is NOT a punishment given for the commission of a CRIME?
- a) Imprisonment for Life ✓
 - b) Payment of a fine ✓
 - c) Committal to Civil Jail
 - d) Community service
 - e) Non-custodial sentence ✓
49. Assume that you have been charged with the offence of murder because a patient has died on your operating table. What must the prosecution show?
- a) That you are an irresponsible and incompetent doctor
 - b) That you have a reputation for people dying on your operating table
 - c) That your personal file has several warnings on your conduct at work
 - d) That there was an actus reus and mens rea
 - e) That you enjoy drinking alcohol after work which can affect your ability to perform operations
50. Which of the following Constitutional Rights is MOST relevant for a doctor facing a criminal charge?
- a) The right to freedom of expression and opinion
 - b) The right to reasonable working conditions
 - c) The right to freedom of movement
 - d) The right to form a political party
 - e) The right to freedom and security of person
51. Which of the following is a responsibility that children have?
- a) To help their parents earn an income for the family ✓
 - b) To obey their parents without question
 - c) To assist in realising social and national goals and values
 - d) To assist in taking care of their younger siblings
 - e) To defend the country when there is a threat to security
52. Autonomy can best be described as:
- a) The freedom to live and die
 - b) The ability and freedom to live as one wishes to live
 - c) The freedom to determine what shall be done to one's body and to what extent
 - d) Exercising your rights without regard to the rights of others
 - e) Living and Letting Live

53. In what circumstances can the duty of confidentiality be breached?
- When a patient is not cooperating with treatment advice
 - When there is a conflict between patient and the doctor
 - In the public interest ✓
 - ~~When Government demands information as court order~~
 - When there is pressure to do so from other colleagues *
54. Which of the following is NOT a legally enforceable agreement?
- An agreement to sell land
 - ~~An agreement to sell body parts from corpses~~
 - An agreement to buy vehicle spare parts
 - An agreement to supply medical equipment to a hospital
 - An agreement to pay a loan on behalf of someone else
55. Which of the following is NOT an essential ingredient of a valid contract
- Intention to create legal relations ✓
 - Consideration ✓
 - Valid offer and acceptance ✓
 - Freedom from fraud or coercion ✓
 - ~~Conditionality~~
56. Assuming that a patient has suffered physical injury as a result of a procedure carried out on him by a medical practitioner, which tort would be the best to use to obtain a remedy?
- Nuisance
 - ~~Negligence~~
 - Defamation - ~~damaging someone's good reputation~~
 - Malicious Prosecution
 - Assault
57. Which of the following is an element that MUST be proved in a claim for medical malpractice?
- That the doctor had a personal relationship with the patient
 - ~~That the negligent act of the doctor caused the injury complained of~~
 - That the doctor was rude and obnoxious to the patient and his family
 - That the doctor did not inform the patient of the risks of the treatment
 - That the doctor has a record of medical malpractice complaints
58. A 36 year old patient has just tested positive for HIV. He asks that you do not inform his wife of the results claiming that he is not ready to tell her yet. The advice would you give to the patient include all except
- Encourage the patient to share the information with his wife on his own, giving him a bit more time if necessary ✓
 - Tell the patient that his wife is at serious risk for being infected with HIV and that you have a duty to ensure that she knows of the risk ✓
 - Tell the patient that public health law and the HIV and AIDS Act requires that the known sexual contacts of the patient be informed
 - Counsel the patient on the importance of disclosing his status and allow him to decide ✓
 - ~~Request for consent to disclose to the parents in law~~

Which of the following would be ethical but illegal

- a) Rushing out of your consultancy leaving patients working, to attend to an emergency situation at Kenyatta National Hospital
- b) Assisting a patient suffering from cancer to commit suicide
- c) Giving a patient who has conceived a pregnancy that is not her husband's, a pill to abort the pregnancy
- d) Refusing to treat a patient who is a notorious mass murderer
- e) Supporting body parts of deceased patients without the consent of knowledge of their family members.

60. Article 29(f) of the Constitution of Kenya establishes the right to protection from torture, inhuman or _____ treatment

- a) Unfair
- b) Injurious
- c) Disrespectful
- d) Degrading
- e) Dehumanising

61. What is the purpose of a formalised code of ethics in the healthcare profession?

- a) To revoke licences of unethical practitioners
- b) To reel in rogue practitioners
- c) To relieve law making bodies of their legal responsibilities
- d) To increase the competence and standard of care within the profession
- e) To make the profession look good

62. When a medical officer/employee acts on behalf of his or her employer the act fall under

- a) The law of contract
- b) The law of tort
- c) Criminal law
- d) Medical ethics
- e) The Law of Agencies

63. Capacity to consent to treatment may be diminished by

- a) Poverty
- b) Cultural influence
- c) Lack of understanding
- d) Marital status
- e) Language

64. Who may give consent to treatment in the case of minors who have no parents?

- a) Consent can be waived as it is not necessary
- b) The court
- c) Parliament
- d) Legally appointed guardian
- e) Nobody

65. Vulnerable populations are those best described as:
- a) Relatively poor person
 - b) Person experiencing emotional distress
 - c) Non-citizen residents of a foreign country
 - d) Persons who are mentally incompetent
 - e) Persons who stand in severely unequal power relationships with others
66. Why are doctors not permitted to go on strike in Kenya?
- a) Because the medical profession is a vocation and is charitable
 - b) Because doctors are meant to protect the dignity of the profession and not be seen to be demonstrating on the streets
 - c) Because healthcare is an essential service that has implications on the welfare of the nation
 - d) Because doctors are well paid
 - e) Because they have a union that represents their interests
67. Which of the following laws regulated/prohibit the use of alcohol and other substances while driving?
- a) The Mental Health Act
 - b) The Alcoholic Drinks Act
 - c) The Penal Code
 - d) The Traffic Act
 - e) The Chiefs Act
68. Which laws are put in place to ensure public order and control?
- a) Occupational health and safety law
 - b) The Criminal Law
 - c) The Mental Health Act
 - d) The Law of Contract
 - e) The Law of morality
69. Which law regulates the use of human bodies for teaching in Kenya?
- a) The Human Tissue Act
 - b) The Medical Practitioners and Dentists Act
 - c) The Anatomy Act
 - d) The Constitution
 - e) The Cancer prevention and Control Act
70. Which tort would best be used to hold a medical practitioner liable for treatment without consent?
- a) Defamation
 - b) Assault
 - c) Negligence
 - d) Battery
 - e) Malicious Prosecution

71. Who has automatic parental responsibility of a child under the Children Act in Kenya?
- a) ~~The biological father of the child~~
 - b) ~~The mother of the child~~
 - c) The grandparents of an orphaned child
 - d) The legal guardian of a child
 - e) A social worker

72. Which of the following is an absolute right under the Constitution of Kenya?
- a) ~~The right to life~~
 - b) ~~The right to freedom from torture, cruel, inhuman and degrading treatment~~
 - c) The right to information
 - d) The right to freedom of movement
 - e) The right to freedom of expression

73. Who is the employer of Judges in Kenya
- a) The President
 - b) The cabinet secretaries
 - c) ~~The Judges and Magistrates Vetting Board~~
 - d) ~~Parliament~~
 - e) ~~The Judicial Service Commission~~

74. Explain what it means for health to be a socio-economic right

Everyone has a right to the highest attainable standard of health.

75. Sovereignty in Kenya belongs to:
- a) ~~The President~~
 - b) ~~The people of Kenya~~
 - c) ~~Parliament~~
 - d) The Constitution
 - e) The courts

76. The head of a County in Kenya is known as
- a) ~~A Senator~~
 - b) ~~A Governor~~
 - c) Women's Representative
 - d) County Representative
 - e) County Chairman

77. Which of the following is NOT a National Value or principle
- a) Transparency
 - b) Dignity
 - c) ~~Impunity~~
 - d) Non-discrimination
 - e) Integrity

78. Which of the following would not be admissible as evidence in a court of Law?
- An original death certificate
 - A witness statement sworn
 - Testimony by a Medical Practitioner that he was told that x had killed Y
 - A report produced showing the cause of death
 - An original medical license
79. What would the role of a Pathologists be in an Inquest Proceeding?
- To come and educate the court and public on pathology ✗
 - To give evidence that would evoke sympathy towards the victim ~
 - To give the known and medical cause of death ✓
 - To agitate and provoke the anger of the court towards any known suspects ✗
 - To advance a political agenda.
80. Which of the following is NOT a healthcare worker to whom Medical Laws would normally apply?
- Nurses
 - Clinical officers
 - Pharmacists
 - Suppliers of Medical Equipment
 - Laboratory Technicians
81. Which of the following gives the largest contribution to the dose received by humankind?
- Cosmic radiation
 - Terrestrial 36%
 - Medical Diagnostic 36%
 - Cosmic rays 13%
 - Nuclear power
82. A Bequerel (Bq) is a unit of ionizing radiation equivalent to:
- 1 pCi
 - 1 disintegration per second
 - 1 nCi
 - 3.7 disintegrations per second
 - 1 Red
83. Which public organization in Kenya is legally mandated to licence the possession and use of radioactive material in Kenya?
- The Ministry of Public Works ✗
 - The Armed Forces ✗
 - The Kenya Bureau of Standards
 - The Radiation Protection Board
 - The International Atomic Energy Agency (IAEA)

- does the acronym ALARA mean?
- a) As Low As Reasonably Achievable
- b) As Low As Reasonably Allowable
- c) As little As Reasonably Agreed
- d) As little as Reasonably allowed
- e) As low as reasonably accessible

85. When a cell absorbs radiation, there are four possible effects on a cell. Which one is NOT true?
- a) Suffer enough damage to cause loss of proper function ✓
 - b) Lose its ability to reproduce ✓
 - c) 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 ✓
 - d) The absorption of radiation by a cell may have no adverse effect ✓
 - ~~e) Result in an improved species of cells~~

86. Full informed consent requires that patient has received and understood all the following EXCEPT:
- a) Nature of procedure ✓
 - b) Benefits ✓
 - c) Risks ✓
 - d) Availability of alternatives ✓
 - ~~e) Details of procedure~~

87. Which is not key ^{rule} for good physician patient relationship include the following
- a) Negotiate rather than order ✓
 - b) Admit to patient when a mistake has been made ✓
 - c) Never lie ✓
 - ~~d) Tell patient everything~~
 - e) Patients interest on top

88. Patient confidentiality may be broken in the following situations Except:
- ~~a) Infectious disease pushing public health problem ✓~~
 - ~~b) Lawyers ✓~~
 - c) Client with gunshot wounds
 - d) When ordered in court ✓
 - e) Suicide/parasuicide

89. Consent may be implied verbal or written but to be lawful it must NOT be
- a) Voluntary and free
 - b) Specific
 - c) Competent person
 - d) Signed upon
 - ~~e) Altered~~

96. Prohibited plants in Cap 245 of the Kenya Laws include the following except:
- a) Cannabis ✓
 - b) Opium poppy ✓ or *papaver somniferum*.
 - ~~c) Cinchona tree chloroquine~~
 - d) Coca bush ✓
 - e) *Papaver setigerum* ✓

- ~~97.~~ Psychotropic substances under Cap 245 of Kenya Laws include the following except:
- a) Some barbiturates ✓
 - ~~b) Some penicillins~~
 - c) Amphetamine ✓
 - d) Slutethismide
 - e) Benzodiazepines ✓

•) Locard's principle → Holds that the perpetrator of a crime will bring sth into the crime scene and leave with sth from it and both can be used as forensic evidence.

Basically every contact leaves a trace.

•) Trace evidence refers to materials that could be transferred during the commission of a violent crime. They include hair, fibres, grass, blood spatter. The physical contact between a suspect and a victim can result in transfer of these materials

WASTE Short Answer Questions

- 16. Briefly discuss the role of Kenya medical practitioners and dentists etc. (12.5 marks)
- 17. Briefly discuss the criteria used in determining grade of negligence by a physician (12.5 marks)

Handwritten notes:
- Medical
- 1/2 of the total marks
- 1/2 of the total marks

- 18. Define near evidence using one example. What is the Larrard's Privilege? (3 marks)
- 19. Discuss the chain of custody of evidence collected by a medical doctor. (15 marks)

Handwritten notes:
- Standard
- 1/2 of the total marks
- 1/2 of the total marks

- 20. List the four principles of medical ethics and explain the meaning of each. (12 marks)
- 21. Briefly discuss dissections under the following subheadings:
 - (i) Infection
 - (ii) Prejudging factors, psychological and physical effects

Handwritten notes for question 21:
- Infection: ...
- Prejudging factors: ...
- Psychological effects: ...
- Physical effects: ...

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