

BOWEN UNIVERSITY IWO

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2022/2023 SESSION

COURSE CODE: PIL 409

COURSE TITLE: LAW AND MEDICINE I

INSTRUCTIONS: Answer TWO questions from each Section, making a total of FOUR questions in all.

TIME ALLOWED: 3 HOURS

Section A

1. The Supreme Court of Nigeria in *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo* held that patient's consent is paramount in doctor/patient relationship and the choice of a competent adult with a sound mind should be respected. **Appraise the decision of the Supreme Court, taking a position.**
2. Mayokun and Phyno, two 400 level law students of Makoko University were discussing topics in the law and medicine course and an argument ensued. Mayokun claimed that the principle of medical confidentiality in Nigeria cannot be breached on any grounds while Phyno, in opposition to Mayokun's claim, argued that there are certain situations where the duty of medical confidentiality could be breached by the physician without attracting liability.
As a law student at Bowen University offering law and medicine course, how true are the positions of Mayokun and Phyno? Justify your answer with statutory and judicial authorities.
3. *A medical practitioner is in a fiduciary relationship with a patient and he therefore owes the patient a duty of care. If the duty is breached in any way, the physician may be held liable.*
Evaluate the preceding statement.
4. The Common Law and Nigeria's position on when life begins is similar. **Discuss with the aid of Statutes and decided cases.**
5. From a legal viewpoint, there are three (3) major dimensions to the doctor-patient relationship, and law does not impose a warranty of success of treatment on the doctor. **Expatiate**

6. In the first week of January, 2023, Jasmine was admitted at Waruwaru Mental Hospital. Jasmine agreed to go through Electroconvulsive Therapy (ECT), a medical treatment for patients with severe major depression or bipolar disorder. He was not given any muscle relaxant and his body was not restrained during the procedure. He flailed about violently before the procedure was stopped. He suffered some serious injuries, including fractures of the acetabula. Jasmine sued Waruwaru Mental Hospital for compensation. He argued that the hospital was negligent for (1) not issuing relaxants; (2) not restraining him; and (3) not warning him about the risks involved. **As a 400 Law and Medicine student who is schooled in Medical Negligence, advise Jasmine on the possibility of succeeding in his case.**