

Medical Jurisprudence
FINAL EXAMINATION
Mr. Tibbles
Fall 1991

This is a take-home examination. Your examination must be returned personally and in person no later than 5:00 p.m. on Saturday December 21, 1991. You are encouraged to submit your examination when you complete it, rather than holding it until the end of the final examination period. This will allow me to begin reading the examinations during the final examination period. If you submit your examination prior to Saturday December 21st, please personally take it to the Registrar's Office, obtain the attention of either the Registrar or the Assistant Registrar, and deposit your examination in the receptacle indicated by the Registrar or Assistant Registrar. If you submit your examination on Saturday December 21st, please personally bring it to my office, Room 231, obtain my attention, and deposit your examination in the receptacle indicated by me. Under no circumstances give or leave your examination with someone other than the Registrar, the Assistant Registrar, or me. Keep a copy of your examination answers.

There is to be no communication between students about the questions, answers, or research materials until after all papers have been submitted. Included in this prohibition are statements about the relevancy or irrelevancy of particular research materials to a particular question or issue. Place your Examination Number, NOT your name, on your paper.

You should not have to spend more than 20 hours organizing and writing your examination. Time spent thinking or reading the questions does not count in this period; but time spent ordering, organizing, outlining, writing, editing, and typing does count. Hopefully, the papers will be typed. If typed, the following margins are to be used: 70 space line, top margin of 9 vertical spaces, bottom margin of 6 vertical spaces, double spaced, 5 space indentation for paragraphs. If handwritten, use lined paper 8 1/2 x 11 inches and write on every line. One side is one page. There is a page limitation for each answer. Please do not exceed this limitation. It is not necessary to have the papers professionally typed.

You may keep the questions. If you use another person's ideas, opinions, recommendations, or thoughts, you must say "thank you" by giving proper attribution by footnote, endnote, or internal note. If you go further and use another person's words, you must place those words within quotation marks and give attribution. Common courtesy requires no less. The Casebook, class notes, distributed materials, materials On Reserve, and materials in our library should be sufficient to respond to the questions. A question's value as a percentage of the entire examination is listed for each question. There are IV questions. Begin your answer to each question at the top of a new page.

If you have questions about the examination, please let me know as soon as possible so that I can make appropriate clarification. The questions will place you in a specific role, performing a specific function. Be true to your role and your assigned function. However, you should remember that the examination's primary function is to allow you to show me that you are familiar with and can use the materials that were assigned and/or discussed. I do not want merely a

citation to material, although obviously I need some identification of the material upon which you rely so that I can check it if necessary. I do not want merely a summary of someone else's material. What I really want to see is your ability to use the material for your purposes. Have you made the material part of your experience so that it is available for you to use in your professional life?

The page limitation is severe. You will not have time for fancy introductions or idle musings. Every page, every paragraph, every sentence, and every word should be an essential thought conveyor.

Of Questions I, II, and III, you are to answer two of these questions. You are also to answer Question IV.

From Questions I, II, and III, you are to answer two of these three questions. Each of the two questions that you answer is worth 45% of the examination. Answer two of these three questions. You are also to answer Question IV.

I. (45%)
(6 typed pages; 9 written pages)

Appendix I contains the following essays from volume 16 of the JOURNAL OF HEALTH POLITICS, POLICY & LAW (#3 Fall 1991): David Mechanic, "Sources of Countervailing Power in Medicine" pages 485-498, Donald W. Light, "Professionalism as a Countervailing Power" pages 499-506, Phil Brown, "Themes in Medical Sociology" pages 595-604-.
(unable to be scanned)

Using these essays as your springboard and drawing upon material from the Casebook, from "Social Transformation of American Medicine," and from Eliot Freidson provided in class lectures, write an essay for the next meeting of the National Health Policy Association giving your analysis of "Physician's Control of Medical Practice--Past, Present, & Future."

Write your essay. Remember to use your available space with utmost efficiency.

II. (45%)
(6 typed pages; 9 written pages)

Pages 317-318 of the Casebook contain: "Problem: Confidentiality & Disclosure of AIDS-Related Information." Please prepare a memorandum responding to the issues and questions posed in this Problem, using, where relevant, material in the Casebook, material distributed in class, and Ohio Revised Code ' ' 3701.24 - 3701.24.9 and ' 2927.13.

You may, if you wish, briefly explain any differences that will result from the enactment of Ohio Sub. H.B. No. 419 in the form that is ON RESERVE in the Law Library.

Write your memorandum. Remember to use your available space with utmost efficiency.

III. (45%)
(6 typed pages; 9 written pages)

Appendix II contains the following material: Warren Kearney, Dorothy E. Vawter, & Karen G. Gervais, "Fetal Tissue Research & the Misread Compromise," 21 HASTINGS CENTER REPORT 7-12 (#5 September-October 1991).

(unable to be scanned)

Using this essay as your springboard and drawing upon material from the Casebook, especially the material from Chapter 3 "The Relationship of Provider & Patient" and from Chapter 9 "Human Reproduction & Birth" you are asked to write a responding essay analyzing the relationships between extensions of the doctrine of informed consent and state regulation of access to abortion services that are suggested by human fetal tissue research.

Write your essay. Remember to use your available space with utmost efficiency.

IV. (10%)
(2 typed pages; 3 written pages)

Briefly describe, analyze, and evaluate some part of the Ethics Conferences at Children's Hospital that you attended this semester and/or of the "show & tell" materials distributed to the class during the semester by the instructor and tell with some specificity how and why you believe that they will be beneficial to you as an attorney and as a person.

END OF EXAMINATION