INSTRUCTIONS

1. Students must answer all questions.
2. Students are encouraged to write legibly.
3. This paper consists of 3 pages. Please ensure you have all 3 pages.
QUESTION 1

A 3-month-old has been admitted to the hospital with a newly diagnosed ventricular septal defect. She is in early congestive heart failure and the drug digoxin is prescribed. After determining the proper dose and discussing the diagnosis with the child’s parents, the doctor writes a prescription for the drug. Thirty minutes after administration of the drug the baby vomits and then has a cardiac arrest and dies. The doctor discovers that in writing the digoxin order he misplaced the decimal point and the child received 10 times the dosage.

What is the doctor’s ethical duty here, and what are the legal implications of his actions?

[Total Q1: 15 marks]

QUESTION 2

It has been said that:

“The problem with surrogacy arrangements is … that it causes a woman to be pregnant while expecting her not to acknowledge the fact that she is expecting her child. It tries to divorce pregnancy from the conscious knowledge that you are going to give birth to your child. In this way the surrogate becomes a mere ‘environment’ or ‘human incubator’ for someone else’s child.” (van Niekerk & van Zyl, “The Ethics of Surrogacy, JME, 1995)

Write a note in which you comment on the ethical implications of surrogacy, and the legal requirements in terms of the Children’s Act 38 of 2005 relating to status of the child which is born as a result of this type of agreement.

[Total Q2: 10 marks]
QUESTION 3

A 22-year-old woman in her first pregnancy arrived at the hospital with preterm labour at 28 weeks gestation. Her contractions were successfully stopped with the drug terbutaline. The attending doctors discharged her, and she was instructed to follow a regimen of bed rest and oral terbutaline. She reported that she did not intend to comply with these instructions. She believed that God would not allow her to labour unless it was time for the baby to deliver, and she indicated that He had communicated this to her.

Discuss the meaning of the ethical principles of beneficence and non-maleficence, and whether maternal autonomy should prevail over other ethical concerns? In this situation, can the doctor force the patient to adhere to his instructions?

[Total Q3: 15 marks]

QUESTION 4

Write a note in which you distinguish between actions for wrongful birth and actions for wrongful life. Discuss the legal as well as ethical implications of both actions, and the extent to which they are recognised in South African law.

[Total Q4: 10 marks]

[TOTAL FOR PAPER: 50 marks]