



JARAMOGI OGINGA ODINGA UNIVERSITY OF SCIENCE AND TECHNOLOGY
SCHOOL OF HEALTH SCIENCES
AUGUST, 2019 UNIVERSITY EXAMINATION
FOR THE DEGREE OF BACHELOR OF SCIENCE
IN COMMUNITY HEALTH AND DEVELOPMENT
4TH YEAR 1ST SEMESTER 2018/2019 ACADEMIC YEAR
NAMBALE

COURSE CODE: HCD 3411

COURSE TITLE: PUBLIC HEALTH LAW AND CONVENTIONS

EXAM VENUE: STREAM: (BSc Comm Hlth & Dev/Public Health)

DATE: 12/08/19 EXAM SESSION: 9.00 – 11.00am

TIME: 2.00 HOURS

Instructions:

- 1. Answer all questions in Section A and ANY 2 questions in Section B.**
- 2. Candidates are advised not to write on the question paper.**
- 3. Candidates must hand in their answer booklets to the invigilator while in the examination room.**

Section A: Answer ALL Questions in this section (30 marks)

1. As a public health practitioner, it is a basic requirement to understand aspects of sources of law in Kenya. Describe any three sources of law that guide the citizen of Kenya. (3 marks)
2. Describe the hierarchy of the Kenyan judicial system, and each level specify its jurisdiction(s). (6 marks)
3. State the meanings of the following terms as applied in health care laws and ethics
 - (a) Code of conduct (1 mark)
 - (b) Code of ethics (1 mark)
 - (c) Malpractice (1 mark)
 - (d) Misconduct (1 mark)
 - (e) Negligence (1 mark)
4. The legal process in Kenya provides that: The Constitution is the supreme law and is made by the **Kenyan Citizens** through a referendum process; **Parliament** (the Legislature) makes statutory laws (statutes), and The role of the **Judiciary** is to interpret laws. By way of logical argument and reasoned opinion, briefly criticize the role played by **each party** in executing her mandate in the law making process. (6 marks)
5. Explain FIVE core functions of any medical professional Board mandated to oversee and guide functions of public health services in Kenya. (5 marks)
6. Under Public Health Act Cap 242 (1986), revised edition of 2012 and County Government Act of 2012, County Governments are empowered to make By Laws to regulate public health within their jurisdiction. Identify FIVE key areas in which County Governments have power to regulate: (5 marks)

Section B: Answer ANY TWO Questions in this section

1. With appropriate examples, discuss the distinction between Civil Law and Criminal Law. (20 marks).
2. Discuss the “Fundamental Rights and Freedoms” of all citizens with relevance to rights of the patient as provided for in Part II of the Constitution of Kenya 2010. (20 marks)
3. Even where the plaintiff (a client in health care provision) is successful in proving negligence on the part of the defendant (a provider in health service provision), he cannot succeed in his claim in tort of negligence unless he also proves that the negligence on the part of the defendant caused damage to him. Discuss this statement. (20 marks)
4. Discuss the legal obligations and/or powers vested on the below listed persons with regards to management and control of infectious diseases as provided in the Public Health Act Cap 242 Laws of Kenya.
 - a) Inmate (4 marks)
 - b) Medical Practitioner (4 marks)
 - c) Medical Officer of Health (4 marks)
 - d) The Minister (Cabinet Secretary) (4 marks)
 - e) The Magistrate (4 marks)