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690 Bioethics

Semester II, 2000-2001

UNM School of Law  
Final Examination  
Three Credits

Professor Sedillo Lopez  
May 8, 2001  
9:00 a.m. to 12:00 noon

INSTRUCTIONS

YOU MAY USE YOUR TEXT BOOK AND READINGS AND NOTES AND AN OUTLINE THAT YOU HAVE PREPARED. YOU MAY NOT TAKE ANY OTHER MATERIAL WITH YOU INTO THE EXAM ROOM AND YOU MAY NOT CONSULT ANYTHING ELSE DURING THE EXAMINATION.

Answer each question fully. Use relevant statutes, case law and policy considerations to analyze each problem thoroughly. Do not simply express your opinion.

The time suggested for each question roughly reflects its weight in grading. Note that the time suggested adds up to three hours exactly. You do not have extra unallocated time.

Clearly identify your answers in your bluebooks.

GOOD LUCK!!!

END OF INSTRUCTIONS

[Exam begins on next page]

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## QUESTION ONE

(90 minutes)

Ms. Carrie Quill was in a terrible car accident with her husband of three years, Harry. Both experienced injuries but survived the accident. Carrie, however, is in persistent vegetative state, and physicians do not believe that she will ever recover cognition. She is being kept alive with food and water delivered through a gastronomy feeding and hydration tube, supplemented with intravenous injection of liquid to keep her hydrated.

Harry suffered an injury to his groin and genital area and was told by physicians that he would never be able to father children. Once he was sufficiently recovered, he joined Carrie's parents in keeping a vigil at her side. He has assisted physical therapists in moving Carrie's limbs and torso through an exercise protocol to optimize her physical condition.

Carrie was a recent law graduate of the University of New Mexico and had taken Bioethics with Professor Sedillo Lopez. She had discussed both the Quinlan and Cruzan cases with her parents and her new spouse. She had visited Doug's web page on the Bioethics website and printed out a values questionnaire and a living will. However, she did not fill them out or execute them prior to the accident.

She had orally made two statements relevant to her wishes. (1) She stated that she would not want to be continued in a persistent vegetative state. This proposition she had stated several times in her Bioethics class and was heard by her professor and by her classmates. (2) She told her husband on her wedding day that should ever be in a persistent vegetative state before she and her new husband had children, she would want to conceive and bear a child and then be allowed to die. This statement was overheard by her matron of honor, Harry's sister.

The technology is available to arrange for Carrie to conceive a child by her husband and to carry the child to term. She and her husband had sought assistance of fertility experts. Their fertilized eggs or pre-embryos are available to be implanted in Carrie's uterus. Fertility experts believe that this may be safely done and there is a normal likelihood that the child will be normal as long as Carrie is fed a supplemented diet, kept well hydrated, and

is put through an exercise protocol. However, most likely the child will have to be delivered through a caesarian birth. Harry seeks such a pregnancy. Her parents oppose it. Her parents seek to terminate the nutrition and hydration and allow to her “die with dignity”. Assume that applicable state law is identical to Missouri’s law.

To further complicate matters, the Raelians (a group claiming to be an organized church with the belief in eternal life through cloning) have approached Harry. They have told him that should the embryos fail to successfully result in a live birth, they offered to clone Carrie and eventually implant the clone in Carrie’s uterus. Harry was intrigued by the possibility and allowed Dr. Stedman, a physician associated with the Raelians to remove appropriate cells from Carrie and begin the process of creating a clone.

The Raelians have not informed Harry that the method they have developed in Scotland involves the implantation of the clone in the womb of a laboratory sheep for six weeks. The sheep are specially bred and a product of genetic engineering, which includes human genetic material in the sheep uterus to insure compatibility. The specially bred sheep have been patented by the Raelians and Dr. Stedman. The patent covers the process and the resulting animal. The transfer of the fetus at six weeks gestation is very hazardous with over a 50% rate of failure. Dr. Stedman believes he has three options in the event the fetus does not develop normally. He can abort it from the sheep, he can decline to transfer it from the sheep to Carrie, or he can abort it from Carrie’s uterus

What are the legal and ethical issues raised by the foregoing and how should they be resolved? Be sure to explain your analysis fully.

QUESTION TWO  
(30 minutes)

Ada and Al have been married for four years. Ten days ago Ada gave birth to Barbie who was born with severe impairments, both mental and physical. In addition, Barbie suffers from a lesion in her intestinal tract. This lesion blocks the digestive system but can be repaired with a simple and common surgical procedure. If the operation is not performed fairly soon,

Barbie will die because she cannot retain fluid or food. Ada and Al have not consented to the operation (consent is required by state law). Ada has stated to Dr. Crayola that she no longer wishes to live and plans to join Barbie in heaven where Barbie will be “perfect”. She is a member of the Senteria religion, a fusion of African and Roman Catholic beliefs. Ada believes that if she sacrifices herself, her husband will be free from the curse of still births that the couple has experienced in the past. She has not consulted with the Santeria religion leaders about this belief, but she believes it is consistent with Santeria views on sacrifice. She also has been diagnosed recently with breast cancer. Al has deferred to Ada about decisions involving Barbie. Ada has always been the dominant partner in this relationship. Barbie’s life expectancy without the operation is only a few weeks; with the surgery, it is between 30 and 40 years.

- 1) The child’s physician, Dr. Crayola has come to you for your advice. Advise him.
- 2) Dr. Key Vorkeen (a Dutch doctor who has gained notoriety by assisting terminal patients with ending their life) would like for the hospital’s Ethics Committee to consider the question of physician assisted suicide under these circumstances. What issues will the committee address and how is it likely to resolve them?

QUESTION THREE  
(30 minutes)

Do you believe that there are universal bioethics values? If so, what are they? If not, why not? Please give concrete examples and cultural contexts to illustrate your position.

QUESTION FOUR

(30 minutes)

Would you change the existing legal rules regarding organ and tissue transplantation? If so, how? If not, why not? Give specific examples about how the current rules work and how they work or would be different under your proposed changes to illustrate your position. If you believe the existing rules are sufficient, give specific examples.

[End of Examination]