

TIES CONFERENCE CASE STUDY

Confidentiality and the Duty to Protect (from Pacific University's School of Physical Therapy Ethics Program)

You are a physical therapy student working in a rehabilitation center where you find yourself providing therapy for a male patient in his mid 30's. The patient is in residence for treatment of neck injuries inflicted in a motorcycle accident. He is making good progress and expects to go home in two weeks. You have developed good rapport with this patient and you often talk during treatment. One day the patient discloses that following the accident a blood test revealed that he is HIV+. He then tells you that he does not want anyone to know of his status. He also discloses that he has a fiancée who is unaware that he is HIV+. He does not want her to know because he believes it might interfere with their marriage plans. He admits to the student that he must have contracted the disease in a homosexual encounter three years ago and does not want to explain this to his fiancée. You are understandably disturbed by this confession and decide to consult your supervisor. Your supervisor is clear. He says that it is really none of your business. Focus only on your role as physical therapist. But you find that you cannot stop thinking about the fiancée who is potentially in danger for her life.

What should you do in this scenario?

- Questions in relation to the patient
 - Confidentiality is an important principle in health care ethics. What is the basis for this principle? Why is it important?
 - Is the manner in which your patient contracted HIV a relevant consideration to you?
 - Some might think the patient is being selfish and reckless in not disclosing his status to his fiancée. Is the reasonableness or unreasonableness of the patient's thinking morally relevant in this case?
- Questions in relation to public safety
 - "Do no harm" is an important principle in health care ethics. What is the basis for this principle? Who is it that one is enjoined not to harm as a health worker?
 - Are you, in effect, "doing harm" if you choose to do nothing to protect the fiancé of this patient?
 - You cannot keep the confession of your patient confidential while at the same time disclosing it to the fiancée. This is called a moral "dilemma." How would you go about resolving this dilemma?
- Questions in relation to supervisor
 - What are the relevant considerations in dealing with a supervisor with whom you have a potential disagreement over values?

- If you were convinced that you must do something to protect the fiancé and your supervisor continues to insist that it is not your business and tells you not to disclose this information... what would you do? Why?
- Questions in relation to the APTA code of ethics
 - Are there guidelines in the APTA code of ethics that might help you to resolve this dilemma?
- Questions in relation to the state
 - Do you know the law concerning confidentiality and the duty to protect? Have you heard of the Tarasoff case?
 - Would knowing the law make a MORAL difference to you? Would it help you to resolve this dilemma for yourself?
- Question in relation to yourself
 - This scenario poses a deeply personal moral dilemma for many who read it. How would you resolve this dilemma given your own beliefs and values? Is there a way to respond to this case without doing damage to your conscience? Is your “conscience” an important consideration?