

A patient's HIV status should remain confidential, except under the clearly defined circumstances where disclosure is necessary for safeguarding public health or identifiable third parties. The reporting requirements differ from state to state, and physicians should be aware (and should make patients aware) of what information will be reported.

Opinion 2.23, "HIV Testing" clearly states that "the limits of a patient's confidentiality should be known before consent [to testing] is given." Dr. Macklin failed to inform Mr. Jonsen of the limits of the obligation of confidentiality in this kind of case. It is not clear whether doing so would have made a difference in Mr. Jonsen's decisions or reaction, but Dr. Macklin slipped up on this obligation just the same.

The physician's duty to report is not limited to communicable diseases (like STDs). When physicians have reason to believe that individuals may be a threat to the welfare of others or have been the victims of violence, they should inform appropriate authorities. Physicians have this duty to report because of their responsibility to the public good. The following Opinions articulate the features of this responsibility.

Opinion 2.02, "Abuse of Spouses, Children, Elderly Persons and Others at Risk"

The physician should comply with the laws requiring reporting of suspected cases of abuse of spouses, children, elderly persons, and others....Absent such legal requirement, for mentally competent, adult victims of abuse, physicians should not report to state authorities without the consent of the patient.

Opinion 2.24, "Impaired Drivers and Their Physicians"

Physicians should assess patients' physical or mental impairments that might adversely affect driving abilities...The physician must be able to identify and document physical or mental impairments that clearly relate to the ability to drive; [and] the driver must pose a clear risk to public safety...[However], the determination of the inability to drive safely should be made by the state's Department of Motor Vehicles...Physicians should disclose and explain to their patients this responsibility to report...Physicians should protect patient confidentiality by ensuring that only the minimal amount of information is reported and that reasonable security measures are used in handling that information.

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