CASE

History

22-year-old Mr. Alex A. comes to you for a routine physical examination. He feels fine. He has been happily married for one year, works as a computer technician, and reports no prior illnesses and no regular medications. He denies any use of alcohol, cigarettes or legal or illegal drugs. His physical examination is entirely normal. You send him to the lab to check a blood cholesterol level.

Your lab technician is having a bad day and accidentally sticks herself with the needle she just used to draw Mr. A's blood. She explains to the patient that she will follow the standard office protocol and send his blood to be tested for hepatitis and HIV, purely for her protection; the results will not be sent to his chart unless he wishes it. He asks that the results not be sent to his chart and that he not be told the results – “I don’t want to think about it.”

His HIV test is positive.

Question

Discuss the ethical issues raised by Mr. A’s case.

Mr. A’s case raises several ethical questions. First, I have to decide whether or not I should tell him his results. To begin with, since a patient can choose to abandon treatment for a terminal illness, he can surely choose not to be made aware of certain test results. It is his body and his health, and it is fully within his rights to desire to stay in the dark. Furthermore, since there is no clear evidence that his choice was made under duress, and he was told about the nature of the test by the nurse, he appears to deserve to have his request fulfilled.

However, in order to act ethically, I have to consider the implications of withholding his results on his health. HIV can lie dormant for years within an individual before resulting in AIDS, all the while destroying the infected person’s immune system. Unlike past decades, where treatments were in short supply, the discovery and implementation of protease inhibitors, reverse transcriptase inhibitors, and other drugs vastly improve the survival rates and overall health of afflicted individuals. The ethical dilemma then concerns whether the benefits from informing him of the results outweigh his right to stay in the dark. Adding to the confusion, if Mr. A does not fully understand the nature of the virus, would it be ethical to regard his request as an informed decision?

While Mr. A was clearly aware that the test sought to check his system for HIV, he may not understand the implications of a positive test on his health. In order to act in the most ethical manner, I have to ensure that Mr. A has all of the information necessary to make an informed decision. HIV is surrounded by stigmatizations, which have resulted in confusing the population. Basically, Mr. A may not completely comprehend the disease. If he does not fully understand the nature of the illness, then I cannot consider his request to be made under a
well-informed state. For these reasons, I may be ethically obliged to ignore his request. I would be forced to invite him back to the clinic in order to uncover the reasoning behind his hesitance to know the test results. I could then use the interview as an opportunity to educate him on HIV and dispel any misinformation he may have collected. Then, in that informed state, he will be better prepared to make an informed decision concerning his test results.

Mr. A’s request to withhold the results from his chart brings up another ethical dilemma. First, if I choose to honor his request and not place the results in his chart, I may be putting society and other health care workers at risk. That is unacceptable. As a physician, ethical and judicial guidelines permit the transmission of confidential data to health care workers, third-party payers (which does not apply to this particular example since he is not yet seeking treatment), and the State Department of Health. Since Mr. A’s condition concerns HIV, a communicable disease that is known to be extremely dangerous, I am ethically obligated to protect society by informing the necessary state departments. Clearly, the state and other health care workers must be made aware of Mr. A’s condition in order to protect society and themselves, respectively. At the same time, the sharing of this information must be done judiciously in order to protect Mr. A. These days, misunderstanding, discrimination, and stereotypes enshroud the lives of individuals that are HIV positive. It is extremely important that the information that I supply be used with the utmost caution so as to not expose Mr. A to inappropriate treatment.

For similar reasons, I may be obligated to contact his wife. As the case of Tarasoff v. Regents of the University of California established, medical professionals may be obligated to ignore confidentiality in order to protect third parties at serious risk of harm. Certain states, Indiana, in particular, allow such a breach in order to protect society. In other words, my moral responsibilities as a citizen may supersede my obligations as a physician if I think that her life is at risk. Since I do not know exactly when he contracted HIV, I cannot be positive whether or not his wife has been infected. By contacting her, I can hope at the very least to stop the further spread of the disease, and may in fact save her life. The ethical issue in this instance involves balancing the lives of others against the sanctity of the doctor-patient relationship.

Lastly, before taking action, I have to consider the implications of disclosure on the future care that Mr. A will surely require. At some point or another, Mr. A is going to discover that he is HIV positive. At that time, I want to ensure that Mr. A feels comfortable returning to my practice for treatment. If he feels that I have broken my word, it may have deleterious effects on our relationship. The resultant lack of trust could lead to subsequent withholding of information, which he feels is not safe in my hands, or a general lack of faith in my decisions concerning his treatment. Overall, any breach of confidentiality can cause cracks in the foundation of the doctor-patient relationship, and must be factored into the decision making process. Again the ethical dilemma involves my commitments to my patient versus the protection of others. As a physician, I must act as ethically as possible at all times, which can only be accomplished by examining all the issues at hand and responding in a manner that reflects honesty, empathy, and overall good judgment.