

Mr. B., age 28, reported to the community health center of a large city teaching hospital for counseling after being confidentially informed that his blood test for HIV was positive. Mr. B had no symptoms of AIDS.

Dr. T. informed Mr. B that although he did not have AIDS there was between a 5% and 35% chance that he would develop the disease within the next five years. He was also told that he could probably infect others through sexual contact. Mr. B. then revealed that he was bisexual, and that he believed he had contracted the infection during one of his homosexual encounters. He also said that he was engaged. Dr. T. advised him to inform his fiancée of his diagnosis, but Mr. B. refused to do so, saying it would ruin his marriage plans.

Should Dr. T. inform Mr. B.'s fiancée of Mr.B.'s test results?

ANSWER: Dr. T. must weigh his duty to safeguard confidential information against his duty to protect his patient's fiancée from possible harm caused by Mr. B's infection. DLT could best discharge his duty to protect by trying to persuade Mr. B to reveal his diagnosis to his fiancée himself, and by offering testing and counseling to her through Mr. B. If Mr. B will still not agree to voluntary disclosure then Dr. T must seriously consider revealing the information himself. He should first discuss the case with appropriate legal and health authorities . If after such consultation he determines that the risk to his patient's fiancée is significant then he should inform Mr. B of his intention to contact Mr. B's fiancée, and then notify her.

Intercollegiate Ethics Bowl Case, 1994.

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