

CASE 13: Mr. Dale and the World Wide Web

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Whitney Sumner, the social worker for the neuro-ICU stops you in the hospital's main floor hall, saying, "Do you have a second? I was meaning to call you about a situation we've got upstairs." You say sure and while you both move to the side and corner of the hallway, as out of the way as possible, she launches into it:

The patient on the floor is Mr. Eric Dale, a 23 year old who was brought in by ambulance after he was hit by a car while riding his bicycle. Mr. Dale had been riding across the crosswalk, obeying the walk signal, when a vehicle whipped around the corner and hit him, and then sped off. He had significant head injuries, as well as major lacerations on arms and legs – according to witnesses and the police, he was thrown several yards, and in fact, into another car waiting at the light. In the early hours after his collision, he had an emergency craniotomy to reduce swelling in his brain, and that was just the beginning of his already long and continuously tenuous hospital course. Mr. Dale's prognosis remains uncertain – the injuries are severe, but, as the neurologists and neurosurgeons keep pointing out to the team and family, Mr. Dale is young and "watch and wait" is the best strategy.

Ms. Sumner leans in a bit closer at this point and lowers her voice. "The thing is, we know this is a watch and wait case – I mean, young brains recover sometimes. And he's already showing some spontaneous movements and tracking with his eyes. And everyone's rooting for him. It's not that. The thing that's bugging everyone is the website and fundraising thing. So, Mr. Dale lives out here with his brother who's a few years older – like 25 or something – but the rest of the family is all back in East – and there's a ton of kids, siblings – these two are the oldest. Mom and dad are out here and have been since the first days, with a big extended family and church community taking care of the younger kids – and they all talk daily and Skype and all that. Dad's heading back at the end of this week, I think. But, anyway, the older brother, Jim, has started a blog to keep everyone updated – and linked it to some website for donations, and the whole thing is making some people really upset. On the one hand, folks are upset for Mr. Dale – Jim is sharing all kinds of health information – I mean HIPAA protected stuff! – online. And I know the updates are important for folks back east, but they don't seem to understand that once that's out there, it's out there – Mr. Dale's got a traumatic brain injury! That can affect jobs, relationships, insurance... Our intensivist and NP tried to talk to them about it last week, but neither Jim nor the parents seem to think it's a big deal. They say he wouldn't mind – he shared everything and he'd want folks to know."

Ms. Sumner takes a deep breath and goes on: "Other folks in our unit aren't as concerned about the information – they think it's sketchy to be doing that kind of fund-raising online – they overhear the family talking about how many thousands of dollars have been donated and, well, some people have mentioned that it seems like profiting from his tragedy... but most folks here know it's ok, I mean, people do it all the time now, right? And medical bills are expensive. I don't know. Anyway, there's all that, but what bugs me most is the commentary. One of the nurses went to the website and it turns out Jim is writing not only about Mr. Dale's medical condition, but about the staff – evaluating which nurses and doctors he thinks are better or smarter, but also commenting on looks and writing things like "Eric, you'd better wake up soon

so you can meet some of these nurses. The one here today, Julie, is just your type – gorgeous and really cool...I might ask her out myself if you don't get up and get working on it." It's nothing crude, really, but still... Even me, my name is in there too – I mean, not last names or anything, but still, it's making everyone uncomfortable. But after the last conversation about the blog – apparently the family got touchy and defensive – no one seems to want to raise the issue again – I mean, this is tough for the family. I just don't know. What do you think? What are we supposed to do about this? Is this some kind of HIPAA violation? Don't we have some kind of privacy protection as staff?"

Questions:

1. The Dale family seems to be dismissing the potential negative effects of publicly disclosing Eric's medical health information for the sake of raising financial and emotional support. Is this reasoning ethically justifiable?
2. Regardless of the legality, is the Dale family doing anything unethical by including hospital "commentary" on their blog?
3. Is it unethical for the Dale family to raise more money than is required to pay for Eric's hospital bills, whether they pocket the money or give it to Eric (should he survive)?

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<http://nubc2014.files.wordpress.com/2014/01/bb-case-packet-20141.pdf>