

Clinical Ethics Workshop Series
The Duty of Disclosure and What it Means to All of Us
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Disclosing Patients Conditions to Others

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Confidentiality

A duty to respect the patient's privacy


- Hippocratic Oath
 - *“What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself holding such things shameful to be spoken about.”*
- Nightingale Pledge
 - *“I will hold in confidence all personal matters committed to my keeping and family affairs coming to my knowledge in the practice of my calling.”*
- On the Absolute Sincerity of Great Physicians – Sun Simiao
《備急千金要方·大醫精誠》孫思邈
 - *“...夫為醫之法，不得多語調笑，談謔喧嘩，道說是非，議論人物...”*
- Code of Ethics / Professional Conduct
- Cap. 486 Personal Data (Privacy) Ordinance

Reasons for confidentiality

- Respect for persons
- Maintain trust in the fiduciary relation
- Prevent harmful consequences, *e.g. stigmatization, discrimination*

The right to have information relating to your medical condition kept confidential.

In general, medical information pertaining to your conditions will not be released to other parties without your expressed consent.



From Patients' Charter (HA, 1999)

Sharing of information

- Prima facie binding
- On a “Need to know” basis
 - Communication in the health care team
 - Referral



John Tsang undergoes heart surgery

PUBLISHED : Monday, 28 September, 2009,

Financial Secretary John Tsang Chun-wah underwent heart surgery at Queen Mary Hospital last night shortly after returning from the G20 summit in the United States, a government spokesman said. The spokesman said Tsang was suffering from acute heart pains and underwent angioplasty. The operation had been successful and he was remaining in hospital for observation. This may last a few days, his press secretary, Patrick Wong Wing-kit, said after visiting the hospital early today, where Tsang was awake.

Mirror
WEBSITE OF THE YEAR

Kate Middleton hospital nurse found dead in suspected suicide days after falling for radio prank call

18:46, 7 DECEMBER 2012



Code of Professional Conduct for the Guidance of Registered Medical Practitioners (2009) - Hong Kong Medical Council

Part II. A. 1.4 - Disclosure of medical information to third parties

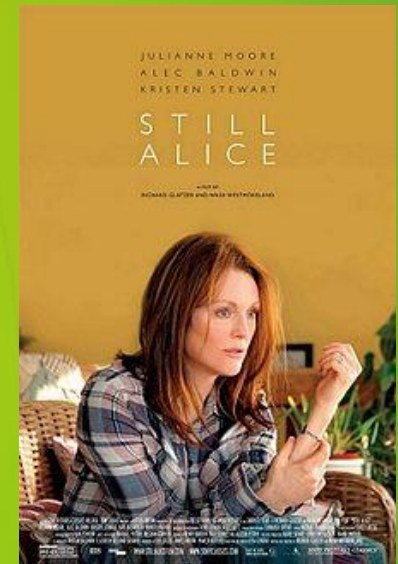
1.4.1. A doctor should obtain consent from a patient before disclosure of medical information to a third party not involved in the medical referral.

1.4.2. In exceptional circumstances medical information about a patient may be disclosed to a third party without the patient's consent. Examples are:

- (i) where disclosure *in the public interest* or in the interests of an individual is justified because the failure to disclose the appropriate information would expose the patient, or someone else, to *a risk of death or serious harm*;
- (ii) when *required by law* to do so.

Challenges...

- In the care of older adults
 - Breaking bad news
 - Advance care planning
- Genetic information
 - United Nations International Declaration on Human Genetic Data



Weaver, M. (2015). *The Double Helix: Applying an ethic of acer to the duty to warn genetic relatives of genetic information. Bioethics*, doi: 10.1111/bioe.12176.

Brutal killing raises fears

Tuesday, January 31, 2012

A mental outpatient went berserk and hacked a security guard to death in Sheung Shui yesterday - raising fears among horrified neighbors who had no idea such a dangerous man was living among them.

Security guard Lee Kai-kwong, 57, suffered multiple face and neck injuries and there were wounds on his right hand as he fended off his attacker. He died at the scene.

Tai Po District Crime Squad chief inspector Tang Yiu-chung said Lee tried to escape by going up a stairway after being wounded in his guard post on the third floor of Choi Wah House. But he was chased and repeatedly slashed.



To tell or not to tell?

- *Tarasoff* case
 - **Duty to warn**
 - Breach confidentiality
 - When the benefits to an individual / society outweigh the patient's interest
 - Justified by the need to protect a third party
 - Probability & magnitude of the harm
 - Foreseeability & preventability of the harm

Beauchamp, T. L. & Childress, J. F. (2013). Principles of biomedical ethics (7th ed.). New York: Oxford University Press.

McMullen, P. C., Howie, B. A., Howie, W. O. & Philipsen, N. (2013). Caring for the dangerous patient: Legal and ethical considerations. The Journal of Nurse Practitioners, 9(9), 568-575.

Communicable diseases

- Sexually transmitted diseases
- HIV infection
- Partner notification
 - Recommended Ethical Principles on Partner Counseling and Referral for HIV Infected Individuals in Hong Kong (Hong Kong Advisory Council on AIDS, 2004) <http://www.info.gov.hk/aids/pdf/g135.pdf>

HIV-positive doctor operated on patients till day before death

Joyce Man
joyce.hyman@scmp.com

PUBLISHED : Tuesday, 12 March, 2013, 12:00am

UPDATED : Tuesday, 12 March, 2013, 4:23am

An HIV-positive surgeon took part in medical operations up until the day before he was found dead outside his residential building in Wan Chai, an inquest heard yesterday.

The death of Wong Ho-hing, 34, on January 12 last year, prompted Pamela Youde Nethersole Eastern Hospital in Chai Wan, where he worked, to ask more than 100 of his patients to be tested for HIV.

"On January 11, 2012, he still took part in surgery," Dr Tang Chung-ngai, chief of service

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The number of patients who had been operated on by Wong since 2010

衛署為140病人驗愛滋

東區醫院一名外科醫生，於年初墮樓死亡後，證實生前感染愛滋病，衛生署委任的專家組昨日開會評估個案，專家組鑑於公共安全及關注，決定進行「回顧調查」，首階段為140名病人，進行快速病毒測試及輔導，他們均是在過去兩年，曾在東區醫院接受該名醫生做手術的病人。當局表示，大部分曾接受剖腹手術，包括切除胃、大腸及膽囊等，但不包括婦產、耳鼻喉及眼科等病人。



醫管局會主動聯絡該批病人及設立查詢熱線2996 2222。外科中央統籌委員會主席莫碧添稱，外科醫生做手術時，會戴上消毒手套，每3小時更換一次，其中在剖腹手術中，由醫護人員感染病人的風險可能會比其他手術高，因醫護人員在手術期間，或被針刺中，加上傷口可能太小，傷口流血感染病人而不知。小組主席林天慶(圖)強調，據世衛專家意見，染病醫生將愛滋病毒傳給病人風險很低，而傳染同事的風險更近乎零。

(AM730 27.3.2012)

Fitness to practise

- Code of Professional Conduct
 - 4.3 Serious Infectious diseases
 - 4.3.3 Confidentiality
 - In general, a doctor is not required to disclose his infectious disease to patients.
- Except: Medical conditions that may impair one's ability
 - Commercial driver
 - *e.g. epilepsy, syncope, sleep apnea, dementia...? Seizure*

Mateen, F. J. (2007). American Academy of Neurology position statement on physician reporting of medical conditions that may affect driving competence. Neurology, 68, 1170-1171.



Friday 12 June 2015 01.13 BST

theguardian

Germanwings pilot Andreas Lubitz saw 41 doctors in years before crash

Family of victims shocked by medical revelations about co-pilot who is believed to have caused crash

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Thank you!

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