

Ethical framework in practice essay sample

[Sociology](#), [Ethics](#)



Introduction

Doctor patient confidentiality is provided for in the common and statutory law. Medical records of patients are not supposed to be divulged to third parties except under special circumstances provided for by the law (Ministryofethics. co. uk, 2012). The problem with the provisions given by the law is that they are not comprehensive. This results in medical practitioners finding themselves in ethical dilemmas where each possible choice is bound to have repercussions.

Ethical Implications of Breach of Confidentiality

The act of divulging the medical details of a patient by a doctor without consent can be viewed as a form of betrayal. Breach of confidentiality is a failure to uphold the autonomy of the patient. The patient loses trust in physicians and may refuse to seek medical care in the future or withhold their medical history (Ministryofethics. co. uk, 2012). The relationship between a patient and the physician requires respect, resulting in implied confidentiality. It is the expectation that information that pertains to a particular patient is kept private that builds trust between the patient and the doctor.

Patients have a right to have their medical details kept private by their physicians, the hospital administration, and any other person who handles that information. These rights are articulated in the common law and the statutory law as well (Ministryofethics. co. uk, 2012). There are some instances in which the health professional is required by law to disclose this confidential information. These instances include: when the patient gives

consent, sharing information with other medical staff to help in better management of the patient and in the case of a communicable disease where the doctor ought to report to the local authority. A medical professional may be required to inform the family members if the disease is notifiable and if otherwise, the wishes of the patient have to be followed. In the event that the illness of a patient may result in other persons getting harmed, the physician also has an obligation to inform the authorities and the potential victims if possible. This maybe the case if a patient has a mental illness driving him or her to hurting other people. The physician may be obliged to disclose medical information in case the patient has adverse reactions to the drug. A private medical practitioner maybe required to give information to tax inspectors (Ministryofethics. co. uk, 2012). They, therefore, have to take measures to separate medical records from the financial records separately.

Ethical Theories and Principles Surrounding Patient Confidentiality

Breach of confidentiality goes against the ethical principle of respect for autonomy. The patients are left vulnerable and may not be able to live independent lives. They may get different treatment from their colleagues at work, at home or at school due to their medical condition that has been made public. They may get discriminated against when searching for jobs or get denied companionship due to their condition. The teenage girl in CBC's ER episode is not able to live as a normal student after her school gets to know of her condition. The loss of respect for autonomy leads her to attempting suicide (Nathanson, 2000). Unless when under obligation,

disclosing medical conditions of patients to third parties violates the ethical principle of justice. This is so when there is no extenuating circumstance to warrant a breach of confidentiality.

When a physician is required to breach the confidentiality of the patient so as to benefit the greater public or to prevent harm to others, this is done in line with the principle of least harms towards the patient (Sherman, n. d.).

The patient might get tormented emotionally, but many others benefit from that disclosure. This, therefore, seems to follow the utilitarianism theory of benefiting a greater number of people, at the expense of a single patient.

The disclosure should be done in such a way that it will cause least harms to the patient (Sherman, n. d.). Withholding the identity of the patient is one of the methods by which the harm done may be lessened. Casuist theory is used to determine the circumstances that require giving of medical information to third parties (Rainbow, 2002). The article alludes to the Tarasoff case where a psychologist failed to warn a woman that her patient had threatened to murder her. The patient went ahead and did just that. This case is used to justify the need to breach confidentiality in case of third party persons getting harmed if it is not done.

The medical professional in the ER episode does wrong in informing the school of the teenage girls situation without counseling the girl first. As suggested in the article, the Hathaway should have counseled the teenager well before informing the school authorities that she has a venereal disease (Nathanson, 2000). She should have let the girl understand the importance of having her parents informed of her predicament so that adequate follow up may take place. At the school, her identity should have been withheld to

save her from the stigma of having a sexually transmitted disease.

In coming up with an ethical decision for the case in the article, an ethical committee should adopt the ethical principle of least harm. They may do this by informing the school that the students may be having 'sex parties' and leave out the details of how they have found out (Nathanson, 2000). This may help in minimizing the harm done to the teenage girls by this disclosure. The young girls are not legally allowed to consent treatment for a serious disease such as cancer. They, therefore, should be given the opportunity to break this news to their parents. If they fail to do so, then the nurse is free to do so without fear of getting penalized. This is in line with the theory of deontology, as the nurse upholds her duty of ensuring that the correct medical process is followed (Rainbow, 2002).

Conclusion

The ethical dilemma that Hathaway finds herself in is representative of the challenges that physicians are faced by in deciding whether to breach patient confidentiality or not. If they breach while not being under obligation, they may be sued and lose their licenses. If they fail to breach under obligation, they get sued for negligence. This, therefore, requires them to have good knowledge of the law in order to practice effectively.

Reference

Nathanson, P. G. (2000). Bioethics. net :: article topics: bioethics on nbc's er. [online] Retrieved from: <http://web.archive.org/web/20110706061843/http://www.bioethics.net/articles.php?viewCat=7&articleId=133> [Accessed: 26 Feb 2014].

Ministryofethics. co. uk. (2012). Consequences of breaching confidentiality - ministry of ethics . co. uk. [online] Retrieved from: <http://ministryofethics. co. uk/? p= 6&q= 7> [Accessed: 26 Feb 2014].

Rainbow, C. (2002). Principles and theories. [online] Retrieved from: <http://www. bio. davidson. edu/people/kabernd/indep/carainbow/theories. htm> [Accessed: 26 Feb 2014].

Sherman, J. (n. d.). Ethical theories. [online] Retrieved from: http://www. asbh. org/uploads/files/membership/protected/task_force/doukas/pdfs/ethics_course. pdf [Accessed: 26 Feb 2014].