

MEDICAL CONFIDENTIALITY



Medical Confidentiality

It is the right of an individual to have his personal, identifiable medical information kept private.



Confidentiality.

* Patient confidentiality means that personal and medical information given to a **health care provider** will not be disclosed to others unless the individual has given specific permission for such release.

*Such information should be available only to the ***treating physician*** and ***other medical personnel*** involved in the patient's care.

*Children, elderly, mentally disabled and the dead all have the same right to confidentiality.

- Case study:

A physician sees his assistant on a social occasion. The assistant wanted to discuss the case of a particular patient. He was being very specific using the patient's name and personal data.

What should the physician do?



- Cut this conversation off as soon as possible! and tell your co-worker that the whole conversation is inappropriate as he should postpone the conversation until they meet at the hospital, as discussion of the problem of an identified patient in public places is ***unethical***, as it violates confidentiality.
- Doctors are not free to disclose information about patient's health in front of persons who are not involved in patient's care ***without consent of the patient***.
- Discussion of the illness of a patient with others, is forbidden except for medical consultation after patient's permission

- **Imagine that you are taking care of a patient and a lady claiming to be his daughter calls on the phone to see how the patient is and what is going on with him.” The patient is asleep ”**

What do you say?

Would it be against confidentiality if you answer her questions ?

Yes , It is definitely breach of confidentiality, unless that patient listed that family member can receive medical information about them.

- *You see your Aunt at the hospital where you are working at. **Can you tell your mom about it?***

A: **No.** your Aunt may be visiting; but then again, she may be having investigations done. She may not want the family to know about the tests until she knows the outcome. She has the right not to tell the family. It is up to her to tell the family – not you. A simple statement like “I saw my Aunt at the hospital today” can lead to a major breach of her right to privacy.

Medical Confidentiality

- Respect for confidentiality is firmly established in codes of medical ethics.
- Breach of confidentiality is not only **unethical**, it is also **illegal**.
- Confidentiality as related to health care dates back to the *Hippocratic Oath*:

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". “

♦ قسم بوقراط :

♦ " أقسم بالله العظيم أن أكون أميناً على الشرف والبر
والصلاح في مزاولة صناعة الطب وأن أسعف الفقراء
مجانياً ولا أطلب أجراً يزيد على أجر عملي ، وأنى إذا
دخلت بيتاً لا أتعرض لما لا يعنينى من أموره ولا أفسى
سراً ، ولا أستعمل صناعتى فى إفساد الخصال الحميدة
و إرتكاب الآثام ، ولا أعطى سماً البتة ولا أدل عليه ولا
أشير به ولا أعطي دواء يضر الحوامل أو يسقط أجنتهن ،
وأن أكون موقراً للذين علمونى معترفاً بفضلهم مسدياً
لأولادهم ما فى إستطاعتى من معروف و إحسان".

♦ قسم الطبيب : مادة (1) من لائحة مزاوله المهنة:

♦ " أقسم بالله العظيم أن أراقب الله في مهنتي ، وأن أصون حياة الإنسان في كافة أدوارها في كل الظروف والأحوال باذلاً وسعي في استنقاذها من الهلاك والمرض والألم والقلق، وأن أحفظ للناس كرامتهم ، وأستر عورتهم ، وأكتم سرهم ، وأن أكون على الدوام من وسائل رحمة الله باذلاً رعايتي الطبية للقريب والبعيد ، للصالح والخاطيء ، والصديق والعدو وأن أثابر على طلب العلم أسخره لنفع الإنسان لا لأذاه ، وأن أوقر من علمني ، وأعلم من يصغرنني ، وأكون أخاً لكل زميل في المهنة الطبية متعاونين على البر والتقوى ، وأن تكون حياتي مصداق إيماني في سري وعلاانيتي ، نقية مما يشينها تجاه الله ورسوله والمؤمنين، والله على ما أقول شهيد".



♦ مادة (310) من قانون العقوبات:

♦ " كل من كان من الأطباء أو الجراحين أو الصيادلة أو القوابل أو غيرهم مودعاً إليه بمقتضى صناعته أو وظيفته سر خصوصي ائتمن عليه فأفشاه في غير الأحوال التي يلزمها القانون فيها بتبليغ ذلك يعاقب بالحبس مدة لا تزيد على ستة أشهر وبغرامة لا تتجاوز خمسمائة جنيه مصري إلا إذا طلبت المحكمة ذلك ."

- The criminal law is accusing any physician who knew a secret through his profession and divulged it by imprisonment or a fine.

- Patients share personal and medical information with physicians. You have a duty as a physician to respect the patient's trust and keep this information private .
- ***All medical information*** that doctors acquire as part of the professional practice is subjected to the duty of confidentiality.



Patient's information covers:

- Identifiable material in the medical records
e.g. written records, photographs, video films.



- Identifiable material held in the doctor's head.
Oral information obtained from the patient or his relatives.



Medical confidentiality includes:

- **Information about the disease:**

(type, cause, diagnosis, treatment type or place, prognosis, complications).



- **Information not related to the disease:**

(personal, social, economic).

Anything affect reputation



- -Even when the physician is telling his family.
- -Even after the patient's death.
- -Discussion of the problems of an identified patient by professional staff in public places breaks confidentiality and is unethical. Outside of an educational setting, discussions of a potentially **identifiable** patient in front of persons who are not involved in that patient's care are unwise and impair the public's confidence in the medical profession.

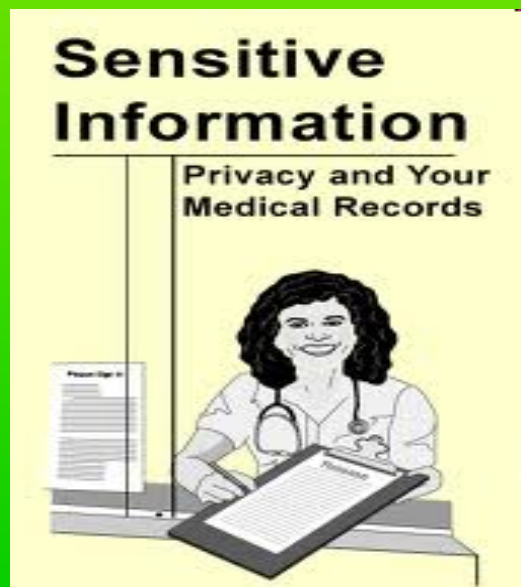
- physician may discuss the clinical condition with another physician without mentioning names except when he or the patient is asking for consultation, he should inform the consultant with detailed data.

Importance of medical confidentiality :

1- Respects patient's autonomy.

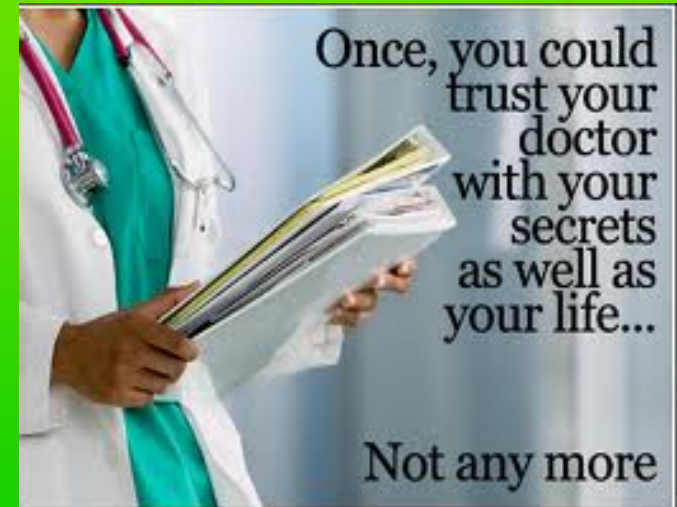
(Autonomy is the right of the competent individual to choose actions regarding his own health and future. These actions are consistent with his values, goals, and life plan).

2-Respects natural human desire for privacy.



Importance of medical confidentiality :

- 3-Protects from social embarrassment, discrimination disapproval, or stigmatization.
- 4- Prevents misuse of information against patient.
- 5- Builds confidence between doctor and patient.



- **Social embarrassment** is an emotional state experienced upon having a socially or professionally unacceptable act or condition revealed to others. This can result in some loss of personal honor or dignity.
- (e.g. **A doctor revealed privileged information about a celebrity=famous patient to the newspapers**).

- **Discrimination** is a term referring to the action taken toward or against a person of a certain group. It involves excluding or restricting of this person from opportunities that are available to others.
- **(e.g. treating a white race patient for free while refusing to treat a black race patient).**

Breach of confidentiality

Disclosure

- It means that a physician discloses patient data that he has learned within the physician-patient relationship to other parties without patient consent or court order.



Breach of confidentiality

- Breach of medical confidentiality resulting in *physical*, *psychological* or *financial* harm to the patient subjects physicians to punishment by law.



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A close-up photograph of a person's hands in silver handcuffs, symbolizing criminal justice.

• There are three points that should be considered in accusing a physician of divulging patient's secret :

1. There was divulging of a secret.
2. The secret was known to the physician through his profession.
3. The disclosure of the secret lead to harm or damage to the patient (physical or psychological).

When can confidentiality be breached?

Confidentiality is **NOT** an absolute obligation. Situations arise where the harm in maintaining confidentiality is **GREATER** than that brought by disclosing information.



- **Disclosure of professional secrecy may be:**

I- With patient`s expressed consent.

II- With patient`s implied consent .

III- Without patient`s consent .

I- Disclosures where patient`s expressed consent is needed:

1- For purposes such as research, epidemiology, registries.

a- Approved by ethics committee.

b- Ensure no harm to patient.

c- Delink patient`s identifiable data.

2- To insurance companies.

3- In pre-employment examination.

We must ensure that:

- **Patient understands nature & effects of disclosure.**
- **Reports to 3rd parties must always be with written consent. Consent should be original, addressed to a named doctor.**
- **Clear indication of reason & material.**
- **Hand document is given to the patient.**

II-Patients may give implied consent to disclosure for:

Sharing information in the health care team or with others providing care. Only necessary information for effective care of patient is disclosed.

III-Disclosures without patient`s consent :

- **Certain patient information is exempted by law and reports to proper authorities are required without patient consent.**

I- Disclosure required by Law:

1- Notification of births, deaths, abortion, accidents, poisoning.

2- Order of court, malpractice cases, criminal cases (violence), compensation.

3- Threats of serious harm to another (prevent crimes)

4- Child abuse (physical/sexual)

5- RTAs involving drugs/alcohol.

6-Public health risk: A reportable communicable infectious diseases :tuberculosis, hepatitis, AIDS, typhoid fever, tetanus, meningococcal meningitis, diphtheria, anthrax, malaria, poliomyelitis, smallpox, brucellosis, leprosy.

II- Disclosure for patient's benefit:

- **In times of emergency.**
- **If the Patient is incompetent or minor.**
- **To prevent harm to patient e.g epilepsy, Psychotic patients.**
- **when a patient may be a victim of neglect or abuse.**

III- Disclosure to prevent harm to others:

- ◆ **Psychotic patients.** (مادة 4 من قانون العقوبات).
- **To prevent the occurrence of crimes.**
- **Infectious diseases (HIV, Hepatitis)**

IV- Disclosure to safe guard national security:

e.g. terrorist activity.

Disclosure of professional secrecy may be permitted in cases of:

1- Concern for public safety.

For the sake of the community



2-Concerns for safety of patients or other specific persons.



Case study:



A patient has been tested positive for Hepatitis . He asks his physician not to report his case or he will lose his job.

What is the ethical behavior that should be adopted by the physician in such a case?

- **The physician should report the case to the health authorities as it imposes a great risk on public health.**



**Breach of confidentiality
may be allowed in the
following conditions**



**For the sake of
the community**

**For the sake of
the patient**

For the sake of the community

- Required by Law:

1-Notification of births and death



2-Infectious diseases (HIV, hepatitis)



For the sake of the community

3- In case of accidents:

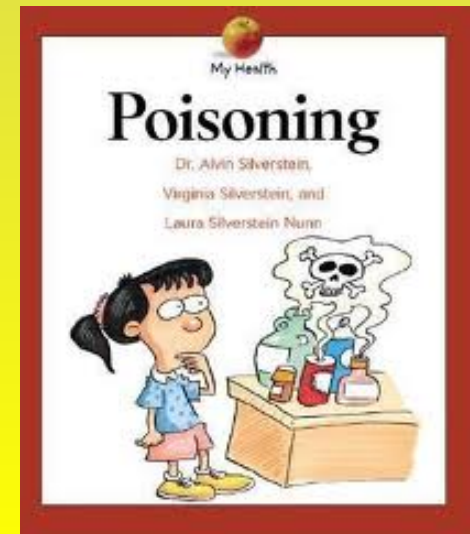
(e.g. where a doctor has concerns over a patient's fitness to drive, **RTAs involving drugs/alcohol**).



For the sake of the community

4- In case of poisoning:

(e.g. when a doctor has a patient attempting suicide by taking a poison to end his life. The doctor has to disclose this information to the patient' family to take care if the patient tries to commit suicide another time).



For the sake of the community

5- In criminal cases:

To prevent occurrence of crimes e.g. murder.



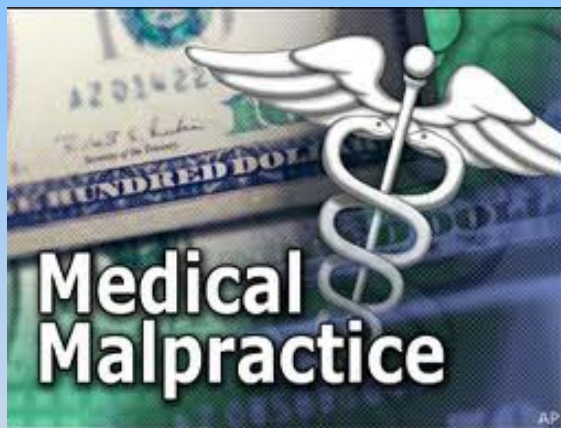
6- Order of court.



7- In case of medical malpractice and compensation:

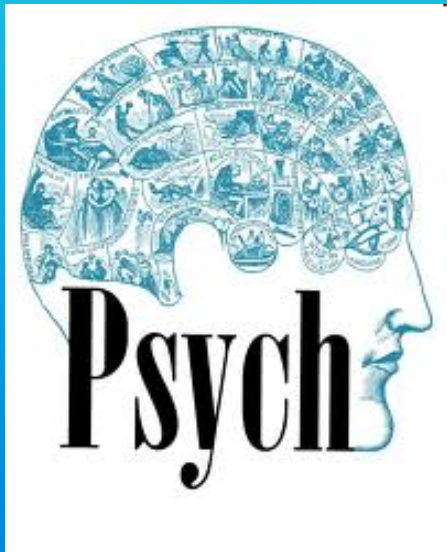
* (***Medical malpractice*** is the failure of medical professionals to provide adequate treatment to patients resulting in injury or death of the patient).

* (***Compensation*** is money given or received by the patient as payment or reparation for injury).



For the sake of the community

8-Psychotic patients with violent tendency.



For the sake of the community

9-To safe guard national security e.g. terrorist activity.



For the sake of the patient

1-Victims of neglect or abuse e.g. child abuse.

(The doctor should report the case to the authorities to prevent further harm to the child).



For the sake of the patient

2-In times of emergency:

(which may require an attending doctor to provide the identity of patients he/she has treated following a road traffic accident).



For the sake of the patient

3-To prevent harm to patient(Patient requiring special care)e.g epilepsy, psychotic patients.

4-If the patient is incompetent or minor, information is normally delivered to parents or guardians.



Principles that should be followed on allowing breach of confidentiality

1. It must be to proper authorities.
2. Not beyond what is required or relevant.
3. Reason for disclosure must be documented in the medical records.
4. Patients are informed about such disclosure.



- **What if a family member asks how the patient is doing?**
- **It is generally unjustifiable to do so. Except in cases where the spouse is at specific risk of harm directly related to the diagnosis, it remains the patient's, rather than the physician's, obligation to inform the spouse.**

- ***Your cousin was admitted to the emergency room during your shift at the hospital. He is in critical condition. Your mother is very concerned about him, You know about your cousin 's condition. Do you tell your mom?***

A: No. you must not tell. Even doctors can only release information to the immediate family—in this case, your cousin 's parents. It is up to them to inform the rest of the family.

summary



Medical confidentiality

- Secrecy is now termed "confidentiality"
- BMA defines confidentiality as :
"The principle of keeping secure and secret from others, information given by or about an individual in the course of a professional relationship"
- If there is no trust, patients are not able to reveal everything and the clinical history will be deficient or even misleading .
- Not inheritable.



- **Confidentiality not only duty of physicians but also pharmacists, medical students, nurses and assistants.**
- **All medical records, prescriptions, hospital papers and lab reports should be kept away from irresponsible hands.**



Health care information may only be disclosed in the following situations:



(1) The patient's permission.

(2) The patient's best interest.

- Close relative who has to care for the patient at home.
- Patient is the victim of physical or sexual abuse or of neglect.

3) The public interest:

- In case of wounds and injuries (assailant).
- In case of diseases.

(4) The doctor's interest: (accused in malpractice).

(5) In courts of law:

- If a doctor is an expert witness
- In case of forensic medical examiners

(6) Statutory (legal) requirement: It includes:

- Official notification of births, deaths and still births.
- Statutory notification of infectious and occupational diseases.

Ways in which medical professionals can guard patient confidentiality:

- 1- Never disclose information to a third party without signed consent (this includes insurance companies, attorneys, employers, curious neighbors)**
- 2- Never reveal financial information about a patient including account balance—this is confidential!**
- 3- When talking on the telephone to a patient, do not use the patient's name if others in the room might overhear.**

- 4- When leaving a message on a home answering machine or at a patient's place of employment, simply ask the patient to return a call. No mention should be made concerning results of medical tests.**
- 5- Do not leave medical charts or insurance reports where patients or office visitors can see them.**
- 6- Safeguards computerized patient's records (use codes, passwords)**

- **Physicians who perform autopsies or have access to autopsy reports should maintain confidentiality of information except when laws regarding disclosure to public health and at-risk third parties are appropriate.**
- **Confidentiality of minors may be ethically breached when parents need to be informed of treatment or serious illness.**



Thank you