

Abstract

DILEMMAS IN DUAL DUTY OF MEDICAL CONFIDENTIALITY

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Since confidentiality is an essential principle in medical practice and considering its near-absolute nature, disclosure can only be considered as a final choice, which is to be exercised only after other alternatives are exhausted. In light of the principle of ‘non-maleficence’, the duty of medical confidentiality is stringent because of the consequences of disclosure being multifaceted, with its impact on the patient being devastating. Nearly all cases, wherein the breach of confidence is justified, are based on the elimination of the risk of serious harm to the patient or others in one way or another. In order to substantiate the ‘protection of the patient and others from harm’ as a valid justification for the breach of confidentiality, the author presents a table which outlines the exceptions for medical confidentiality observance in various medical codes of practice or ethical guidelines for medical practitioners. In addition, author portrays example which explains how the disclosure to evade any harm may be a cause for other types of harm, whereby a practitioner struggles to decide whether to maintain or disclose what is confidential. Finally, posture demonstrates that the victims of the potential harm from the maintenance or disclosure of confidentiality in healthcare can be the patient, physician, a third party or the public.

Keywords: medical confidentiality – ethics – harm – elimination – patient – physician – disclosure

Biographical Note

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