

DILEMMAS IN DUAL DUTY OF MEDICAL CONFIDENTIALITY

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Introduction

Medical Confidentiality (MC) is being observed as compromised in several ways in everyday clinical practice.

Because of the uncertainty of doctors and illogical decisions in divulging patient information, people have become victims in some cases.

Ethical dilemmas are there between maintaining patient confidentiality versus the disclosure of confidential information to fulfil their responsibility of protecting third parties or the general public from danger.

Dual Duty

Along with ensuring strict non-maleficence to the patient, a health worker is legally and ethically bound to eliminate harmful situations that are likely to befall a third party because of their decisions or interventions.

Harm versus Harm

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.

As a result, a healthcare professional faces a situation in which medical confidentiality requires trade-offs between the patient's interest and the interest of others. In addition, medical confidentiality is a tool whereas goal is effective healthcare. In some situations, absolute privacy may occur as obstacle to providing optimum care for patients.

Conflicting Principles

This principle/duty	Contradicts with
Maintenance of confidentiality	Duty of delivering quality healthcare
	Goal of protecting the patient from self-harm
	Public health policies
	Public interest in the avoidance of risk of serious harms
	Legal obligations of disclosure
	Principle of beneficence
	Effective running of healthcare institutions
	Interests of insurance companies
Disclosure of confidentiality	Patient's autonomy
	Patient's right to privacy
Public interest in maintenance of confidentiality	Public interest in disclosure of confidentiality
	Personal interest in confidentiality
Harm to patient by disclosure of confidentiality	Harm to third parties by protecting confidentiality
Principles of beneficence	Principle of non-maleficence

Potential Harms

Harms in the Practice of MC could be

- 1) harms that occur due to maintenance of confidentiality and
- 2) harms that emerge as a consequence of disclosure.

Victims may be

1. Patient
2. Physician
3. Third Party
4. Public

Conclusion

- Decisions in MC at times are effective to pose harm to parties directly or indirectly involved.
- Identification of nature and sorts of harm is believed to be conducive to evade the chances of inflection of harm.
- Dual duty to patient and others create confusion to practitioners.
- At times, disclosure to evade any harm happens to be a cause for other types of harm

Conclusion (2)

- Practitioners face situations where they find principles related to MC conflict each other.
- There are harm in both maintenance and disclosure of MC.
- The decisions have to be after evaluating the situations from various perspectives.
- The harm could affect Patient / Physician/ Third Party/ Pubic
- Harm categories: Physical, Psycological, Social, Familial, Financial, Professional Private and Pubic.

Thank you