

## INTERACTIVE ETHICS CASE: JANUARY-FEBRUARY 2000

You learn that one of your patients, a 35 year old man, is positive for the HIV virus. He has not yet developed AIDS. He asks you not to tell his wife because he is afraid that it would break up his marriage. The man's wife is your patient too. What should you do?

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Dear Students,

Thank you for your responses to the ethics discussion case for January/February 2000. We received answers from 27 students representing 3 schools. Here is the breakdown of your opinions:

6 students: Do not tell the wife.

8 students: Do not tell the wife but try to convince the husband to do so.

5 students: Tell the wife.

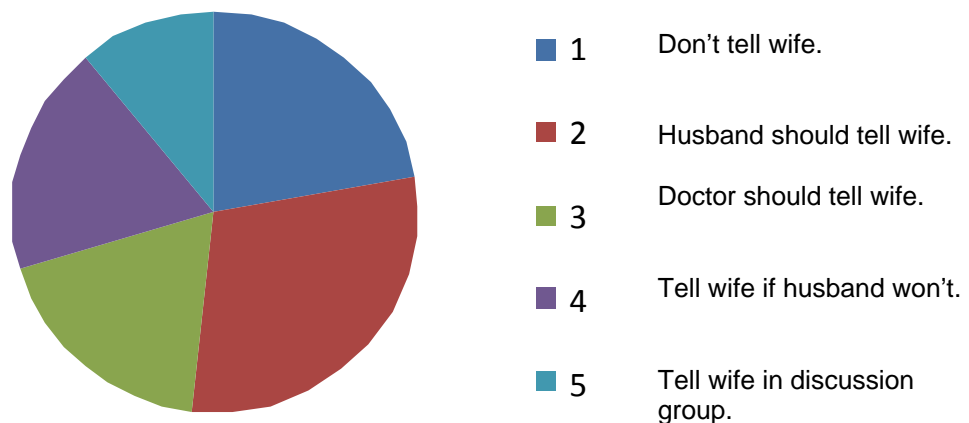
5 students: Tell the wife if you cannot convince the husband to do so.

3 students: Try to convince the husband to tell his wife or get them both together to discuss the situation.

Keep reading and you will find faculty comments regarding this case. We hope you find them interesting.

The next interactive ethics problem will be posted in October, 2000. Hope to hear from you again.

Schools	# of Responses
Sam Houston High School	20
Lamar High School	6
Garland High School	1



## **FACULTY COMMENTS**

### **First Opinion:**

This is a very tough case in my view. It involves, as the students' responses note, pitting the physician's duty to confidentiality towards one patient against his duty to "do no harm" towards another. Texas law permits a physician to disclose the HIV test results to the spouse without the patient's permission, but the word "permit" suggests that the doctor should use his/her judgment in disclosing the results - it doesn't say "must" disclose the results. I would handle the case this way.

First, I would give the man a short period of time to think through this issue - he has an emotional shock to contend with, both his own HIV status and the possibility that he already has infected his wife. His refusal may be a "denial" mechanism to cope with this emotional shock, and a response that will not necessarily persist long.

Second, I would inform the man of my conflicting duties to protect the confidentiality of his test result AND to inform his wife. This would be a way to have a dialogue with the man about the issues, and to find out his reasons for not wanting to tell his wife.

Third, the only way I can truly respect both physician duties is by persuading the man to tell the wife himself. While "persuasion" is not something I like to do with patients, I find it a much lesser wrong than the other two choices. I would address his fears about telling her, but point out that she will very likely find out herself, perhaps in response to catastrophic circumstances.

If the above measures fail and the man still wants to keep his HIV status a secret from his wife, then what? Here are the choices.

(1) Maintain the confidence and permit the woman the chance of infection but encourage the husband to practice safe sex with his wife. I think this is a bad option because the wife is still at risk, and my confidence in her safety would be low.

(2) Ask the wife to consent to an HIV test because "I have reason to believe" you might be infected, and hope she agrees. This is perhaps a little better, but my informing her about her risk without discussing the reasons for it, and what she could do to protect herself, seems cruel at best and harmful at worst.

(3) Advise the man that following Texas law, I was going to disclose the HIV status to his wife since my duty to them was equal, but the risk to her (potentially lethal infection) was greater than the risk to him (exposure to marital problems).

[This would be my choice.]

### **Second Opinion:**

In the case presented, the question centers on the balance between a physician's duty to protect patient privacy and the duty to warn others that might be harmed. In this situation, most physicians would stress to the husband that it is extremely important for him to notify his wife of his HIV status.

By the very nature of the intimate relationship that is marriage, the wife deserves to be protected. First, she deserves to be aware of anything that might threaten her own health. Second, a relationship of trust and intimacy should be based on a free and open exchange between those involved. The initial thrust of the doctor's ongoing discussions with the husband should be on giving him the opportunity to tell his wife on his own terms. As a patient, his privacy should be respected, but he needs to be aware of the gravity of the situation.

Often, physicians will negotiate a timetable and offer to be involved in any way that would help the husband notify his wife. At the outset the patient should be told that if he doesn't tell his wife, you may feel compelled to do so. This may seem heavy-handed, but the husband needs to know of the

physician's duty to warn. In Texas, the Department of Health operates a Partner Notification Program. Physicians can activate this program when patients are unable to tell their partners and a health risk exists. If such a process did not exist, then the physician should make a good faith effort to contact the partner.

Certainly this is a very difficult issue, but most patients will understand if you respect their situation and work with them to determine a timetable.

**STUDENT COMMENTS:**

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02/18/00

No, the doctor should not tell the wife. A doctor should only keep a business relationship with his patients. By him telling the man's wife, he not only destroys a marriage but gets himself involved in an altercation. A doctor who is truly a professional should care about his patients but not get involved in any other aspect of their lives besides medical.

J.

Sam Houston High School -Anatomy & Physiology

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02/18/00

I would first try to get the patient to tell his wife, and then if he didn't I would tell his wife. This is only out of protection for his wife, and so that it won't be such a shock to her if anything should happen to him. It might even help him to talk to her about anything he may be feeling.

R.

Sam Houston High School-Anatomy & Physiology

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02/18/00

I would not tell the patients wife, I would try to get him to tell her first. If that doesn't work I would probably get them to together to discuss the matter at hand.

J.

Sam Houston High School-Anatomy & Physiology

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02/18/00

I think that the doctor should try to persuade the man to tell his wife the truth before harming her if she hasn't already contracted the virus. If the man refuses then the doctor should try to set up a counseling session for the couple to discuss what is going on. If the doctor really feels that he should tell the wife because it could risk her health and her life for that matter, then he should tell her the truth. I don't think that keeping it a secret is really going to solve anything.

S.

Sam Houston High School-Honors Biology

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02/16/00

I am writing in response to the ethics question about the HIV patient and whether or not to tell his wife. I believe that it should be the husband's responsibility to tell his wife about his illness. However, if he is firm in his belief that she will leave him and does not tell her, I would feel that as her doctor it would be my responsibility to tell her for her own safety. If she is not informed, then it is almost certain that she will unknowingly contract this illness which would eventually lead to her death. That would be unfair to her, in that she could have avoided death if she had only been informed.

D.  
Sam Houston High School-Honors Biology

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02/16/00

We would not tell the wife that he was HIV positive. We feel that it is his place to tell her and that we should not be the ones to do that. We would strongly try to convince him to tell her. We would tell him that it is a bad decision not to tell her.

A., S., T., & F.  
Sam Houston High School-Honors Biology

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02/16/00

If I was a doctor in this situation, I would tell his wife because both of them are my patients and I would be concerned with her safety as well as his.

J.J.,  
Sam Houston High School-Honors Biology I

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02/16/00

In response to your question, we would have a talk to both of the patients, and let them know that a relationship should not be based on your health, but rather on your love for each other.

W. Q.N., & A.  
Sam Houston High School-Honors Biology I

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02/16/00

We would tell his wife. We would tell her because there may be a possible chance that she may be infected with the HIV virus. We would tell her for her own safety so she could go get tested. The earlier it is detected, the more effective the treatments may be.

A.C., E.E., and S.R., 9th, 10th, & 11th  
Sam Houston High School-Honor's Biology

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02/16/00

S.M. said "The doctor should consult both patients and try to convince him, the man with HIV, to talk to his wife." D.Smith said " The doctor should speak to both patients, and tell the man's wife because her life could be in danger. This could effect their sexual life, and there's a possibility that she might have contracted HIV." V.M. said "The doctor should talk to his patient, the man with HIV, and have him talk to his wife and break the news to her. If he refuses, the doctor should then proceed to test his wife for the virus." Q.P. said "I think that the doctor should respect his patient's wishes and keep the news to himself. This doesn't mean he shouldn't do anything, he could

suggest having the wife tested, or marriage counseling. With this he could help the man to come up with the courage and tell his wife."

9th & 10th grade  
Sam Houston High School

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02/15/00

In response to the question about the patient with HIV my opinion stands that it is a doctors responsibility to keep a patients information completely confidential. If he, himself did not eventually tell his wife, I would be forced to tell her by my conscious, not as a doctor, but as a friend.

C.- 9th grade  
Sam Houston High School

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02/15/00

The doctor should let the woman know that her life is in danger. Even though the husband asked the doctor not to, it is to the wife's benefit that she is told. If she is not told soon, she might still be sleeping with her husband and she could get HIV too. If she was to get HIV then she would wonder how she got it then she would find out that her husband has HIV. By finding out this way, it could cause her emotional stress and eventually lead to depression, or their marriage would be destroyed. So it is best that she is told so her life would be in less danger, and she would know ahead of time to help prevent this situation.

K., K., R.,N.,& A., 9th & 10th grade  
Sam Houston High School-Honors Biology

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02/15/00

We would tell him that he needs to tell his wife because she has a right to know. We would not tell her ourselves due to a law prohibiting and keeping all medical information confidential unless otherwise directed. Also, we are not to get emotionally involved with patients. We would tell the man that if he doesn't tell his wife that he is already putting his marriage in jeopardy because she would be upset that he didn't tell her himself. However, if he does not tell his wife, we would call her in for an appointment and tell her that we think it may be a good idea if she were tested.

A., J., A., J., & B.- 9th & 10th grade  
Sam Houston High School-Honors Biology

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02/15/00

We believe that in this type of situation, since the husband has HIV, we should test the wife (spouse) to see if she has the virus. We would only do this after we had obtained the husband's consent. If he does give us his consent, then we as doctors, would arrange to counsel the couple together. In the session we would explain to them the situation and what we would do, like taking blood tests, to act on this in the best interests of the couple.

T., A., & U., 9th & 10th grade  
Sam Houston High School -Biology 1 Honors, 4th Period

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02/14/00

No, he should not tell her because a doctor is suppose to keep confidentiality of his/her patients. If the man loves his wife, he would not do such a thing to infect his wife with the HIV. He is a man on the verge of death, so he should be left in happiness. This is a personal business, so if he wants to, he should tell his wife himself.

T. & Group, 9th grade  
Sam Houston High School-Honors Biology-1st period

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02/14/00

We think the guy with HIV should tell his wife about it since he's putting her health in danger also. The doctor should try to convince him to tell his wife himself but if he does not agree to do so, the doctor should tell her without the patient's consent because his concern is for the woman's health. If their marriage is strong to begin with, the husband will be concerned with his wife's health and if the wife loves her husband unconditionally, than she'll stand by him no matter what.

M. & Group, 11th grade  
Sam Houston High School-Honors Biology

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02/14/00

If I were in the position given, I would most likely encourage the patient to inform his wife. I wouldn't tell his wife without his consent, but I would expect him to make the right decision.

S.M., S.C., V.H., A.F., and A.B., 9th & 10th grade  
Sam Houston High School-Honors Biology I

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02/14/00

Yes, you should tell her, because she needs to be treated immediately. She could already have contracted a deadly and potent disease. Since she is your patient, it is in her best interest to be told as soon as possible.

M., G., & R.  
Sam Houston High School-Honors Biology

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02/14/00

With the confidentiality information law you can't tell his wife his personal information, but I would urge him to tell her and I would also try to encourage her to take the HIV/AIDS test.

K.G., 10th grade  
Sam Houston High School-Honors Biology

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02/14/00

As a doctor I would tell his wife because she could be in danger of being HIV positive also.

D.P., 9th grade  
Sam Houston High School-Honors Biology

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02/03/00

The doctor in this situation has a moral obligation to inform this man's wife or to persuade the man to inform his wife. Although the doctor in most cases has a professional responsibility to keep his patients records confidential, in this case the doctor patient confidentiality doesn't apply because the man's wife would be in danger of contracting a disease that can be prevented if she knew of her husband's condition.

B.S., 12th grade  
Lamar High School-Health Science

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02/03/00

I think a doctor is obligated to tell a patient's spouse that they have HIV. On the other hand, the patient should be able to tell their spouse that they have HIV. Furthermore, if you know you have HIV and give it to someone else then you can be charged with attempted murder, therefore making you an accomplice if you don't tell the patient's spouse. As a doctor, I think you are ethically responsible for your patients, including the spouse.

C. Y. - 12th grade  
Lamar High School-Health Science

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02/03/00

In response to your ethics discussion I don't think that I would tell his wife. I believe that it is his personal business to tell his wife. A marriage is built on trust and if he can't tell his wife himself then that's their problem, not the doctor's. A doctor works under confidentiality, and even though they are married, they are still individuals who want their privacy.

J.R.-12th grade  
Lamar High School-Health Science

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02/03/00

Based on the dilemma of the HIV patient and his wife, I, as a physician, would persuade the patient to tell his wife; however, I would not inform the wife myself even if she is a patient of mine as well. My decision is based on patient confidentiality. If he did not want his wife to be aware of his condition, that is his decision, and I should not be the person to tell her. The patient should be able to trust his physician to keep his condition and information private.

R.-11th grade  
Lamar High School-Health Science

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02/03/00

If I were the doctor in the given situation, I would not inform the wife of her husband's illness. As a doctor it would be my responsibility to respect the privacy and wishes of my patient (the man); however, it would also be my responsibility to try to protect the health of my patient (the woman). So, I would definitely encourage the man to inform his wife of his illness for her sake, as well as his. If he refused, I would encourage him to abstain from or use extra protection during intimate relations with his wife.

C. D.  
Lamar High School-Health Science

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02/03/00

In the first place, I think that if the husband truly loves his wife and cares for her, he should tell her. But if I were the doctor, I would definitely encourage the husband to inform his wife. Although the doctor is supposed to keep confidentiality, if he doesn't let the wife know, he and the husband could later be charged with attempted murder. This is a very serious issue, and since lives are at stake, the woman has the right to know. So, if the husband decided not to tell her, I would.

K.M.

Health Science-Lamar High School

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01/10/00

I think that Dr. to Pt. confidentiality is very important and is a factor in this particular case. He cannot tell the wife even though she is his Pt. also. Yes, he must protect the wife, but he is suppose to keep Pt.'s problems confidential. I really think the doctor should be confident that the husband will make the right decision, because it seems like he loves his wife. The Dr. does not have the right to potentially break up the sanctity of marriage.

M.-11th grade

Garland High School-Clinical Rotation I