

Do' & don't's – Grasp Feb 00

MAINTAIN CONFIDENTIALITY OF PATIENT'S MEDICAL HISTORY

A female patient went to a Gynaecologist for complaint of foul-smelling vaginal discharge. On internal examination, the doctor detected a foreign body which seemed to be **Dr. LALIT** the cause of the discharge.

KAPOOR On careful inspection of the foreign body, which was duly removed, the Gynaecologist was intrigued to note that the foreign body was a condom. The lady conceded that it might have been retained following intercourse some days ago. The Gynaecologist then prescribed some medicines and he reassured her speedy recovery .

Incidentally, the Gynaecologist and the husband of the lady happened to know each other, being members of the same club.

A couple of weeks later, the doctor happened to meet the lady's husband at the club and they struck up a conversation. The Gynecologist enquired about his wife's health, and added in good humour, "I say, don't you know how to use condom? Your wife had to suffer so much." Upon this, the man was startled and declared, "It is not possible. I have never used a condom in my life."

Subsequently, as was expected, there was serious disharmony between the couple and eventually a divorce followed.

The patient filed a malpractice suit against the gynaecologist and claimed a huge sum as damages for suffering on account of breach of professional secrecy. The case was settled out of court with the gynaecologist paying the lady an undisclosed sum of money.

The above case has been recounted to stress that you should not divulge anything which you come to know in your professional capacity to anyone other than the patient, not even the spouse, without the express consent of the patient. Not only is this a moral obligation but it is also a legal one and you will be liable for damages for its neglect.

There are of course, the well-known exceptions such as under orders from court; demand from police in a criminal case, etc., but do make sure this is in writing. Even when insurance companies ask for medical records of a patient, insist on written authorisation from the patient to provide the medical records to the company.

Even results of investigations should not be disclosed to persons other than the patient. Carelessness in this regard has landed a number of doctors and hospitals in trouble. Recently, in one case, a patient admitted in a hospital, tested positive for

HIV. Allegedly, the lab staff revealed this fact to some relatives of the patient. This was denied by the hospital but the patient filed a case in the consumer court for damages for all the suffering he had undergone, including loss of job, etc. A protracted case followed.

In another case, a hospital merely passed on the information to a person other than the patient, that he had undergone a coronary angiography at their hospital. The patient got to know of it, and promptly issued a legal notice to the hospital for the breach of professional secrecy as this disclosure had created problems for him in his job.

Hence it is advisable to give proper instructions to your staff so as to avoid breach of professional secrecy, even inadvertently.

The procedure of MTP is another area where confidentiality problems have cropped up. For performing an MTP the consent of the husband is not required. Quite often, on account of marital discord, the husband of a patient subsequently demands a certificate stating that the lady had undergone MTP. Such a certificate should be issued only if the patient herself authorises you to do so in writing. You are well within your rights to refuse to give such a certificate without the patient's express permission. In fact, it is your duty to maintain confidentiality.

Please do not omit to take consent of the patient for any treatment. Do not be satisfied with a husband signing on behalf of his wife or vice versa. Only in case of a minor or a patient who is not in a position to give consent, should the guardian be asked to sign the consent.

In conclusion'

.Do not breach professional secrecy, even between husband and wife. It is your moral and legal obligation to do so.

.Staff should be trained to talk only as much as they are required to. Many problems arise out of unnecessary or casual remarks of staff.

.Always insist on written authorisation of patient before parting with any medical records to anyone other than the patient.

.REMEMBER, SMALL MISTAKES LEAD TO BIG PROBLEMS!!

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