FIGO Human Rights and Women's Health Case 4 Discussion

Protecting confidentiality

J.M., a 35-year-old professional woman, attends her first pregnancy visit at 8 weeks' gestation. As per the clinic's routine, she is offered an HIV antibody test. She accepts after stating that she does not want her partner to find out that she has taken the test, whatever the result may be.

When her doctor telephones to inform her that her HIV test is negative, she reminds him of her request that her partner is not to be informed about the test. The doctor reassures her that it is standard practice to record test information only in her medical record, which is confidential.

At her next visit, J.M.'s partner accompanies her for the ultrasound scan to date the pregnancy. After a particularly long wait, J.M. goes to the bathroom. Before she returns, the nurse calls her to see the doctor; in J.M.'s absence, the nurse hands her antenatal record to her partner, saying, "Please go in to see the doctor as soon as she comes back." Glancing through her antenatal notes, J.M.'s partner discovers that she has undergone an HIV test.

He is happy that J.M. is HIV negative but concerned that she needed to take the test and that she did so secretly. Earlier in their relationship, they had undergone HIV testing together, and they had both been found negative.

Questions for discussion

1. What are the risks and benefits of HIV screening in pregnant women?

2. Using the Integrating Human Rights and Health Checklist, identify the human rights that were infringed in this case.

3. What are the potential consequences to the patient of this loss of confidentiality?

4. How could the clinic staff have better protected the patient's record?

5. What are the laws/policies/regulations regarding medical confidentiality in your country/region?

6. How would you have counseled the woman about the sharing of results before she undertook the HIV test?

7. What actions would the doctor need to take if the woman's HIV test result had been positive?