

Case 10 – Mrs P.

Mrs P., aged 42, has come to the practice as she suspects she is pregnant. Upon confirmation of her pregnancy, she becomes very upset and requests a termination as she already has 5 children and doesn't feel she could cope with another child. However, she doesn't want her husband to be informed as he is a Roman Catholic and is opposed to abortion.

Best Practice Response

Material facts

- The relevant facts are:
 - Mrs P is pregnant and requests a termination of pregnancy.
 - She doesn't want her husband to know as he is a Roman Catholic and is opposed to abortion.

Relevant ethical considerations and medico-legal issues

- Protection of patient privacy underscores the therapeutic relationship. It facilitates open discussion between patient and doctor and builds trust. Disclosure of a patient's personal health information is only permitted where:
 - the patient consents to the release of the information;
 - disclosure to another healthcare provider is necessary to ensure appropriate medical care of the patient;
 - disclosure of information is mandated by law- eg. by subpoena or order of the Court;
 - there is an over-riding duty in the 'public interest' to disclose information- eg. where a person is at serious risk of harm.

MDA's recommendations

- There is no basis for the treating practitioner to make any disclosures to Mrs P's husband regarding Mrs P's pregnancy or her request for a termination. Her health information must be kept confidential.
- Seek advice from your MDO as the specific circumstances of each case should be considered on their merits.

Resource

MDA National Medico-legal-Booklets: Confidentiality and Consent booklet

Links to resources:

<https://ama.com.au/media/new-code-ethics-doctors>

<https://www.oaic.gov.au/agencies-and-organisations/app-guidelines/chapter-6-app-6-use-or-disclosure-of-personal-information>

<https://www.oaic.gov.au/engage-with-us/consultations/health-privacy-guidance/business-resource-using-and-disclosing-patients-health-information>