

CASE STUDY: *Please Don't Tell!* (Patient Confidentiality vs Duty to Warn)

The patient, Carlos R., was a twenty- one year old Hispanic male who had suffered gunshot wounds to the abdomen in gang violence. He was uninsured. His stay in the hospital was somewhat shorter than might have been expected, but otherwise unremarkable. It was felt that he could safely complete his recovery at home. Carlos admitted to his attending physician that he was HIV-positive, which was confirmed. At discharge the attending physician recommended a daily home nursing visit for wound care. However, *Medicaid* would not fund this nursing visit because a caregiver lived in the home who could adequately provide this care, namely, the patient's twenty-two-year-old sister Consuela, who in fact was willing to accept this burden. Their mother had died almost ten years ago, and Consuela had been a mother to Carlos and their younger sister since then. Carlos had no objection to Consuela's providing this care, but he insisted absolutely that she was not to know his HIV status. He had always been on good terms with Consuela, but she did not know he was actively homosexual. His greatest fear, though, was that his father would learn of his homosexual orientation, which is generally looked upon with great disdain by Hispanics. **Would Carlos's physician be morally justified in breaching patient confidentiality on the grounds that he had a "duty to warn"?**