

Research Project

SAMW / KSZ-Fonds: Medical and legal professionals towards confidentiality and the disclosure of medical information using case scenarios

Project funded by own resources

Project title SAMW / KSZ-Fonds: Medical and legal professionals towards confidentiality and the disclosure of medical information using case scenarios

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Organisation / Research unit

Ethik / Bio- und Medizinethik (Elger)

Project Website <http://ibmb.unibas.ch/research/confidentiality-and-disclosure-of-information/>

Project start 01.01.2009

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Status Completed

This study was based on a questionnaire, distributed to a range of medical and legal professionals and comprising 13 diverse scenarios involving conflict between legal requests or obligations and respect for patient confidentiality in a forensic setting. Participants were asked to rate a selection of possible courses of action for the medical professional concerned in the scenario, as well as a number of statements regarding the motivations influencing their choices, including concern for patient confidentiality and autonomy, ensuring the safety and best-interests of the patient and wider society, and perceptions of standard practice and legal obligation.

The scenarios included:

- Suicidal ideation.
- Confession to serious crimes for which the patient has not been convicted.
- Evidence of physical abuse from other detainees.
- Requests from police and legal representatives concerning distinguishing physical features and access to the patient's medical file.
- The content of progress reports submitted to the judicial authorities.
- Warning a third party after confession of violent fantasies.

Participants were recruited from across Switzerland, and demographic information collected concerning their gender, profession, language, place of study, age and experience. Information was also collected concerning the participants self-perceived knowledge of the relevant law and the guidelines published by the Swiss Academy of Medical Sciences. Profession and language were found to account for the greatest proportion of the variance, with French-speaking and medical professionals tending, in general, to place greater emphasis on respect for confidentiality. The substantial variance in the responses received for a majority of scenarios as well as the discrepancies between language groups and particularly between professions, which could be of serious consequence for the medical practitioner, suggest that a greater effort to clarify requirements and expectations may be beneficial.

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Add publication

Add documents

Specify cooperation partners