

Confidentiality - Overview



Information regarding a patient's identity, medical diagnoses, and treatment plans are considered confidential. The Health Insurance Portability and Accountability Act (HIPAA) describes precautions that regulate the sharing of a patient's health care information. In addition to maintaining the confidentiality of written medical records, physicians should also be aware of the risks to confidentiality posed by thoughtless conversation. Patients and patient information should never be discussed in public areas such as hospital corridors, elevators, or dining areas.



Confidentiality - Scenario Script

Two doctors are waiting for an elevator.

Doctor 1: Are you going to the hematology conference today?

Doctor 2: I don't know. What's being presented?

[Elevator door opens and the two doctors enter; there are three lay people in the elevator. The dialogue continues as the doors close.]

Doctor 1: Dr. Carter is presenting a case... It's that lady with the brain tumor, Mrs. Oswald. They are trying to figure out why the chemo is going so badly.

Doctor 2: That should be interesting. Carter never presents unsuccessful cases. He only presents the cases he's successful at.

Doctor 1: When he has one! [Both doctors laugh derisively.]



Confidentiality - Discussion Questions

1. What elements of the residents' conversation represent violations of patient confidentiality?
2. Are there other elements of their conversation that, while not strictly violating patient confidentiality, are inappropriate in a public place? If so, what are they?
3. What might be the potential adverse results of their public conversation?
4. Under what circumstances, if any, might their conversation be acceptable?
5. What might account for the residents' inappropriate behavior in this instance? How might such errors be prevented or counteracted?
6. In what other settings would similar errors be likely to occur?

Confidentiality - Scenario Analysis

Hopefully, it should be obvious that this scenario demonstrates what **not** to do regarding patient confidentiality. The two physicians are in public areas of the hospital, including an elevator shared with patients and visitors, and are discussing a patient, her treatment, and another physician with complete disregard for who may be able to hear their conversation.

They identify a patient by name, indicate that her treatment is not going well, and imply that it may be the fault of the treating physician, who is also identified by name. All of this can be clearly heard by three people who could be relatives of the patient or patients of the doctor being maligned. This could cause the patient or the patient's family a great deal of distress, could undermine their confidence in the treating physician, and could even lead to litigation. Even though in this case the patient and the physician caring for her are unknown to the people in the elevator, the facial expression of the woman on the elevator indicates that she recognizes that it is inappropriate to have such a conversation in a public place.

Orientation to any hospital or health care facility will include extensive education about the provisions of a comprehensive set of rules known as HIPAA, from the Health Insurance Portability and Accountability Act of 1996. These government regulations provide very precise guidelines about what kind of patient information can be shared with whom, and what safeguards must be taken to ensure that information remains secure. While dealing with medical records and documentation, physicians should be very aware of HIPAA requirements. What this video emphasizes is that confidentiality is a 24/7 consideration!

Residents spend long hours in hospitals during their training, and much of that time is in public areas (hospital corridors, cafeterias, etc.) where they will be mingling with “nonmedical” people. Hence, they must be certain that the content and tone of their conversations do not violate patient confidentiality or present negative images of medical staff or the care rendered in the hospital. To assist staff in doing this, many hospitals post reminders in elevators and other places that patient information should not be discussed in public areas.