

CASE 11

LOYALTY OR DUTY

By Eric Carver



Ebony and Tamara have been great friends since middle school. They played sports together, went to the same college, and often hang out together on the weekends. Ebony recently completed nursing school, and Tamara finished a degree in business. Both landed jobs within weeks of graduating, and they are looking forward to beginning their careers.

Recently, Tamara started dating Luke. As the two continue to enjoy dinners, movies, and local sporting events, Tamara has developed feelings for Luke, and the feeling seems to be mutual. One evening, Tamara asks Ebony to join them for dinner at a local restaurant to

meet Luke for the first time. The date is set, and Ebony is pleased to see her best friend so excited about the event.

Ebony arrives at the restaurant, and upon seeing Luke, her anxiety spikes. Ebony realizes that Luke is a patient in her clinic and is currently being treated for HIV. Ebony is fully aware of the HIPAA Privacy Rule and her duty to keep Luke's health information, HIV status, and affiliation with the clinic confidential. Ebony is deeply concerned that if Tamara and Luke continue to date, they may engage in sexual activity. Since Ebony only knows Luke as a patient, she

"Anger is an acid that can do more harm to the vessel in which it is stored than to anything on which it is poured."

—Mark Twain

doesn't know if he has disclosed his HIV status to Tamara or has the intention to disclose his status prior to sexual contact.

The dinner event has rapidly evolved from an expected first introduction to an ethical dilemma. Ebony is perplexed and is unsure of what to do. Ebony fully understands that Luke has a right to have his health information protected, and, as a registered nurse (RN), she has a duty to advocate for patient rights. On a personal level, Ebony wants to do everything in her power to protect the well-being of her best friend. During the meal, all she can think about is the "worst case" scenario. Ebony knows that disclosing Luke's status will certainly result in the termination of her employment as well as jeopardize her career as a nurse.

Tamara excuses herself from the table to listen to a voicemail from her boss regarding her recent project proposal. As soon as Tamara is out of earshot, Luke looks at Ebony and says, "I know who you are and where you work, and I expect you to keep my medical information confidential and not speak with Tamara regarding any of my health issues." Ebony politely responds with "I am also trusting that you will be responsible in your actions and protect my friend from undue harm or risk." As Tamara is walking back to the table, Luke tells Ebony, "What we do behind closed doors is our business."

"Let us always meet each other with a smile, for the smile is the beginning of love."

—Mother Teresa