

CASE 2**HIV and a Researcher's Duty to Warn**

John, a licensed psychologist, is Principal Investigator for the "Assist" Project. His project is designed to identify behavioral trends among HIV+ adults in the New York City area. Participants were recruited from HIV/AIDS support groups, HIV/AIDS advocacy and service organizations, and through publicity in local bars, clinics and media outlets. John uses several measures to identify patterns among these individuals. He looks at help-seeking behaviors, physical and emotional symptoms, nutrition and diet habits, sexual behavior and knowledge of HIV/AIDS.

John uses an individual interview format as the method for the study. Each participant is asked to sign an informed consent form, which guarantees that all information revealed during the interviews will be kept confidential. The consent form describes the study and informs participants of the risks involved, which John identifies as minimal. Each participant is paid \$50 for each interview. Participants in the study are also provided free psychological counseling and medical care. Participants are interviewed three times over a two-year period.

In accordance with the research protocol, John asks a participant during one of the initial interviews about her current sexual practices. The participant tells John that she is having unprotected sex with her boyfriend. She states that her boyfriend does not know about her HIV status and that she has no plans to reveal her condition. Later during the interview she mentions the name of her boyfriend. John notes the information and continues with the interview.

Upon going back to his office, John becomes anxious about what he was told by the participant. He ponders what he should do. John thinks about his moral responsibility from a relational perspective, assessing the ethical problem from the standpoint of his responsibility to preserve the scientific integrity of the project, the participants' confidentiality and the boyfriend's welfare.*

What moral principles seem to be in conflict in this scenario? How would you resolve the conflict? Suppose John's only options are either to maintain confidentiality or to violate it by revealing the subject's HIV status to her boyfriend (the subject refuses to notify him voluntarily). What should John do, and on what grounds could either action be justified? Suppose that state law prohibits researchers from revealing a subject's HIV status. Would this fact change your judgment? Should any such legal fact change your judgment?

*Brian Schrag, ed. (Association for Practical and Professional Ethics), "Graduate Research Ethics: Cases and Commentaries—Volume 3, 1999," Online Ethics Center for Engineering, 27 March 2006, www.onlineethics.org/CMS/research/rescases/gradres/gradresv3.aspx. (14 November 2007).

CASE 3**Emergency Department Dilemma**

A 25-year-old young man is dropped off by a friend at the emergency department (ED) and states that he was in a motor vehicle accident 30 min before arriving. He says that his car was extensively damaged but that he was able to get out of the car and walk around at the scene. There was no loss of consciousness. He states that the police were at the scene investigating. He does not volunteer whether the police questioned him personally or why the police let him leave. Except for bumps and bruises, he is not significantly injured enough to justify a radiograph or computed tomography scan of his head. However, I detect the odor of ethanol on his breath, and so I order a blood ethanol to evaluate his capacity further. It is my opinion that if he is legally impaired, then he cannot leave the ED unless someone picks him up and assumes responsibility for him. He does not refuse the test and his blood ethanol level is 0.17 mg/dl, indicating that he is legally impaired.

Emergency physicians know that people who think they might be legally impaired have a strong incentive to leave the scene of accidents to avoid detection by investigating police. This patient's story about being involved in a multicar crash severe enough to cause significant property damage, and