

# Virtual Mentor

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## THE CODE SAYS

### **AMA Code of Medical Ethics' Opinions on Discussing Patients with Third Parties**

#### **Opinion 5.04 - Communications Media: Standards of Professional Responsibility**

Physicians are ethically and legally required to protect the personal privacy and other legal rights of patients. When information concerning a specific patient is requested by the media, the physician must obtain the consent of the patient or an authorized representative before releasing such information. The physician may release only the authorized information or that which is public knowledge. The patient-physician relationship and its confidential nature must be maintained.

With these considerations in mind, the physician may assist the representatives of the media in every way possible. When the patient or authorized representative consents to the release of information, physicians should cooperate with the press to ensure that medical news is available more promptly and more accurately than would be possible without their assistance. Inasmuch as a diagnosis may be made only by a physician and may depend upon X-ray and laboratory studies, no statement regarding diagnosis should be made except by or on behalf of the attending physician. For the same reason, prognosis will be given only by the attending physician or at the attending physician's direction.

Statements regarding the circumstances surrounding shootings, knifings, and poisonings are properly police matters, and questions whether they were accidental should be referred to the appropriate authorities.

Certain news that is part of the public record, such as deaths, may be made available without the consent of the patient or authorized representative.

Issued prior to April 1977; updated June 1996

#### **Opinion 5.05 - Confidentiality**

The information disclosed to a physician by a patient should be held in confidence. The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services. The patient should be able to make this disclosure with the knowledge that the physician will respect the confidential nature of the communication. The physician should not reveal confidential information without the express consent of the patient, subject to certain exceptions which are ethically justified because of overriding considerations.

When a patient threatens to inflict serious physical harm to another person or to him or herself and there is a reasonable probability that the patient may carry out the threat, the physician should take reasonable precautions for the protection of the intended victim, which may include notification of law enforcement authorities.

When the disclosure of confidential information is required by law or court order, physicians generally should notify the patient. Physicians should disclose the minimal information required by law, advocate for the protection of confidential information and, if appropriate, seek a change in the law.

Issued December 1983; updated June 2007 based on the report “Opinion E-5.05, ‘Confidentiality’ Amendment.”

**Opinion 5.06 - Confidentiality: Attorney-Physician Relation**

The patient’s history, diagnosis, treatment, and prognosis may be discussed with the patient’s lawyer with the consent of the patient or the patient’s lawful representative.

A physician may testify in court or before a worker’s compensation board or the like in any personal injury or related case.

Issued prior to April 1977

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