Issue(s) addressed:

• Obligation to the integrity of a research project
• Participant confidentiality when potential risk/harm is involved.

Brief summary: The PI of an HIV/AIDS research project finds out that one of the positive participants is having unprotected sex with her unknowing boyfriend. He is faced with the dilemma of what to do since the interviews are supposed to be confidential, but he feels he has a moral, and perhaps a legal, responsibility to inform the boyfriend.

Used with permission of Association for Practical and Professional Ethics. Case drawn from Research Ethics: Cases and Commentaries, Volume Three, Brian Schrag, Ed., February 1999. Prepared under NSF Grant No. SBR 9421897

Case Study: Does HIV Affect All? Researchers’ Duty to Warn

John Melbourn, a licensed psychologist, is Principal Investigator (PI) for the "Assist" Project. His project is designed to identify behavioral trends among HIV positive 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 interviewed three times over a two-year period and paid $50 per interview. Participants in the study are also provided free psychological counseling and medical care.

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 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.

John thinks about the following facts:

- Several states have implemented laws based on the ruling of Tarasoff vs. Regents of the University of California (1975). These laws require professionals to warn an individual of prospective danger, if the professional has **a)** a special relationship with an individual, **b)** the ability to predict that harm will occur, and **c)** the ability to identify the potential victim.
- No state thus far has attempted to apply this law in the context of a scientific investigation.
- New York State does not have a law that requires a professional to warn potential victims.
- Current New York State law prohibits a licensed psychologist from revealing a client’s HIV status.
- Under Principle D: Respect for People’s Rights and Dignity, The Ethics Code of the American Psychological Association states that psychologists should respect people’s rights and dignity, including their right to privacy, confidentiality and autonomy. (APA, 1992)
- Under the APA Ethics Code Standard 5.05, psychologists are allowed to disclose confidential information without the consent of the individual as mandated by law or if permitted for a valid purpose, such as to protect others from harm. (APA, 1992)
- Under the APA Ethics Code Standard 1.14, psychologists have a duty to minimize harm where it is foreseeable and unavoidable. (APA, 1992).

**Discussion Questions**

1. What is John’s obligation to the integrity of his research project, to the research participant, to the research participant’s sex partner, to the HIV+/AIDS community, and to society at large?

2. How should John weigh the benefits and the harms of preserving participant confidentiality vs. breaking confidentiality?

3. Which of these suggestions, if any, fulfills John’s ethical duty as a responsible scientist?
   
   a. He could break his guarantee of confidentiality and notify the research participants’ boyfriend.
   
   b. He could maintain confidentiality and continue collecting data.
   
   c. He could make an anonymous call to the participant's boyfriend.
d. He could try to persuade the participant to tell her boyfriend.

e. He could consult with other professionals on the matter to help decide what he should do.

f. He could change his informed consent in future research to include notification that confidentiality will not be maintained if participants indicates that they have placed an identified person at risk of harm.