

AIDS / HIV

written by Richard Leslie | May 24, 2016

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... Therapists often ask whether or not confidentiality may or must be compromised when the therapist finds out that the patient has been diagnosed with AIDS/HIV. The question comes in a variety of forms with a variety of scenarios. Because applicable laws may vary from jurisdiction to jurisdiction, as will ethical standards of the various professions, you must be sure that you fully understand the law and ethics in your particular state for your particular profession. If there is a conflict in the two, you will have to resolve the conflict. While each particular situation is different, therapists or counselors would generally be best served if they act in compliance with applicable law.

On the narrow question of whether or not confidentiality may or must be compromised when the therapist finds out that the patient has been diagnosed with AIDS/HIV, my hope is that most states' laws are like the law in California. In short, the therapist in California would be duty bound to keep this information confidential. There is no permission and no mandate to break confidentiality. Even where the therapist knows that the patient is continuing to have consensual sex with one or more partners, the therapist would generally be required to maintain confidentiality. This would typically not be a "Tarasoff situation" since the patient is not threatening serious and imminent physical violence against another.

What is the law in your state? Is there a law applicable solely to physicians and their duty? Is it different for counselors or therapists? Does it matter whether or not the therapist or counselor is employed by a governmental entity or is in private practice? This is a critical area to get clear on now, before being suddenly faced with such a situation.