

REPORT OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS

CEJA Report 4-I-06

Subject: Opinion E-5.05, "Confidentiality," *Amendment*

Presented by: Robert M. Sade, MD, Chair

Referred to: Reference Committee on Amendments to Constitution and Bylaws  
(Francis X. Van Houten, MD, Chair)

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*The following recommendations were adopted as AMA Ethics Policy at the 2006 Interim Meeting of the AMA House of Delegates. The full report may be available online at <http://www.ama-assn.org/go/cejareports> or upon request by calling (312) 464-4823.*

1 RECOMMENDATION

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3 The Council recommends that Opinion E-5.05, "Confidentiality," be amended as follows and the  
4 remainder of the Report be filed.

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6 E-5.05 Confidentiality

7  
8 The information disclosed to a physician ~~during the course of the relationship between~~  
9 ~~physician and by a patient is confidential to the greatest possible degree should be held in~~  
10 confidence. The patient should feel free to make a full disclosure of information to the  
11 physician in order that the physician may most effectively provide needed services. The  
12 patient should be able to make this disclosure with the knowledge that the physician will  
13 respect the confidential nature of the communication. The physician should not reveal  
14 confidential ~~communications or~~ information without the express consent of the patient,  
15 subject to unless required to do so by law. ~~The obligation to safeguard patient confidences~~  
16 ~~is subject to certain exceptions which are ethically and legally justified because of~~  
17 ~~overriding social considerations.~~

18  
19 ~~When~~ Where a patient threatens to inflict serious ~~physical bodily~~ harm to another person or  
20 to him or herself and there is a reasonable probability that the patient may carry out the  
21 threat, the physician should take reasonable precautions for the protection of the intended  
22 victim, which may include including notification of law enforcement authorities.

23  
24 When the disclosure of confidential information is required by law or court order,  
25 physicians generally should notify the patient. ~~When the disclosure is likely to harm the~~  
26 ~~patient disproportionately or when the required disclosure is unnecessary or excessive, the~~  
27 ~~physician~~ Physicians should disclose the minimal information required by law, and  
28 advocate for the protection of confidential information and, if appropriate, seek a change in  
29 the law.

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31 ~~Also, communicable diseases and gun shot and knife wounds should be reported as~~  
32 ~~required by applicable statutes or ordinances.~~ (III, IV, VII, VIII)

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34 Issued December 1983; Updated June 1994 and November 2006.