

# Editorial

## The patient's right to know

Recently the Minnesota Dental Association (MDA) issued a position statement on the issue of the human immunodeficiency virus (HIV). While the statement can be said to be generally in the public interest, one part of the position paper is clearly a throwback to the days when professional societies promoted, above all else, the self-interest of the profession.

My concern is with the following position: "The MDA opposes mandatory disclosure by a dental professional of his/her HIV status. Every HIV-infected person has a constitutional right to privacy and professional credibility would be ruined even if the dentist's practice was restricted to procedures which would present no risk to patients."

Excuse me if I seem to be unsympathetic—I am not—to HIV-infected dentists, but the issue of the loss of "professional credibility" doesn't exactly make me lose any sleep. Infringement of the patient's right to know does.

Colleagues stricken with acquired immunodeficiency syndrome deserve support, love, and, if necessary, unconditional tolerance for the method of their infection. However, support should not include hiding the truth from the patients of HIV-infected dentists. It is the patient's right to choose whether he or she wishes to be exposed to the chance of infection, especially fatal infection, no matter how small that chance may be.

Surely organized dentistry would do better to turn excess energies to raising funds to support HIV-positive dentists and their families, rather than to the misguided and unethical attempt to protect the "constitutional rights" of the HIV-afflicted. The patient's right to choose whether or not to be treated by an HIV-infected dentist, a choice that should be based on all the available scientific evidence, supersedes the

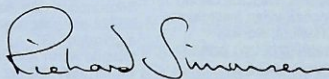
individual's right to privacy. Opposing mandatory disclosure puts the MDA in the position of protecting the profession at the expense of the public. This is an untenable, unethical, and ill-founded posture.

By stating that there are procedures that "present no risk to patients" the MDA acknowledges conversely that there are procedures of risk to the patient. Can we expect the dentist who selfishly refuses to disclose his or her infectious status, a position promoted and supported by the MDA, to confine treatment to "low-risk" procedures? How would this be explained to the patient?

Further into the document, the MDA discusses how the state licensing board should react in the case of an HIV-positive dentist who refuses to stop carrying out the procedures viewed to have identifiable risk. "The task force also has proposed that if the dentist doesn't stop such procedures, the Board of Dentistry could revoke the dentist's license and make the dentist's HIV status known to his/her patients."

So what happened to the dentist's purported constitutional rights of privacy? Surely the State Board of Dentistry does not have the prerogative to set the limits of an individual's constitutional rights?

No. This is a brutally clear issue. The patient's right to know is inviolate and supersedes the dentist's right to privacy. The Minnesota Dental Association should so acknowledge.



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