**INFORMED CONSENT**

Informed consent is a process in which the person being asked to participate in a medical or research procedure is given information about the procedure, its risks and benefits, and alternatives, and then voluntarily agrees to participate.

The major elements of informed consent typically include:

1. **Disclosure of information**: The healthcare provider or researcher must provide the individual with detailed information about the procedure or treatment, including its purpose, any risks or potential complications, benefits, alternatives, and the expected outcome.

2. **Understanding**: The person must be able to understand the information provided which is demonstrated by asking questions and clarifying any concerns they may have.This may require the use of plain language, translation services, or other accommodations.

3. **Voluntariness**: The person must voluntarily agree to participate in the procedure without coercion or pressure from others. He or she has the right to refuse or withdraw from the procedure or treatment without any undue influence, coercion, or pressure from the healthcare provider or researcher.

4. **Competence**: The person must have the capacity to understand the information provided and make decisions based on that understanding and understand the consequences of their choices.This means the individual must be of legal age, mentally competent, and free from any physical or emotional impairment that would impair their ability to understand the information provided.

If the person is unable to make decisions, a legal guardian or surrogate may provide consent on their behalf.

5. **Consent**: The individual must be given ample time to make a decision, and the healthcare provider or researcher must respect their decision, whether it is to accept or decline the procedure or treatment. If the individual accepts it may involve signing a document or providing verbal consent.

6. **Documentation**: The informed consent process must be documented in the person's medical record or research file.

The goal of informed consent is to ensure that individuals are fully informed about their medical care and research participation and are able to make informed decisions about their health and well-being.

**Breach of Confidentiality by human services professionals.**

Confidentiality is a fundamental principle for human services professionals, including those working in testing or clinical settings. However, there are some circumstances under which confidentiality may be breached in order to protect the safety and well-being of the individual being tested or treated, as well as others.

Some examples of situations that may warrant breaching confidentiality include:

1**. Risk of harm to self or others**: If there is a reasonable belief that the individual may harm themselves or others, human services professionals may be required to disclose confidential information in order to prevent harm.

2. **Court order or legal requirement**: If a court orders the release of confidential information or if there is a legal requirement to report certain information (such as suspected child abuse or neglect), human services professionals may be required to breach confidentiality.

3. **Informed consent:** In some cases, individuals may provide informed consent for their confidential information to be shared with specific individuals or organizations (such as a family member or another healthcare provider).

4. **Duty to warn**: In some states, healthcare providers have a duty to warn potential victims if they believe that an individual presents a serious threat of harm to another person.

It is important for human services professionals to carefully consider the potential risks and benefits of breaching confidentiality in any given situation. They should also be familiar with applicable laws and regulations related to confidentiality and reporting requirements in their specific area of practice. In general, any breach of confidentiality should be done in a way that minimizes the amount of information disclosed and is done in accordance with ethical and legal guidelines.

**Warning duties and relevance.**

The duty to warn is a legal and ethical obligation that requires healthcare professionals, including human services professionals, to take reasonable steps to protect potential victims when a patient poses a serious risk of harm to themselves or others. This duty is relevant for professionals working with clients who are HIV positive because of the potential risk of transmission of the virus to others.

In some cases, a client who is HIV positive may engage in behavior that puts others at risk of contracting the virus, such as having unprotected sex or sharing needles. If the healthcare professional believes that there is a serious risk of harm to others, they may have a duty to warn potential victims of the risk of transmission.

However, the duty to warn in the context of HIV requires careful consideration of the potential risks and benefits of breaching confidentiality. In some cases, breaching confidentiality may deter individuals from seeking HIV testing or treatment, which could lead to increased risk of transmission and worse health outcomes. Additionally, HIV-positive individuals may face stigma and discrimination, which can be exacerbated by breaches of confidentiality.

Human services professionals who work with HIV-positive clients should be familiar with the laws and regulations related to confidentiality and reporting requirements in their specific area of practice. They should also be aware of the potential risks and benefits of breaching confidentiality in any given situation and work to balance their duty to protect potential victims with their duty to respect the privacy and autonomy of their clients. This may involve working with clients to develop strategies to reduce the risk of transmission, such as practicing safer sex or accessing harm reduction services.