



## Research on mistreatment of older adults in Quebec:

summaries of scientific articles



### Ethical Forum: Domestic Violence: When Fear Prevails Over Trust...

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#### REFERENCE

Giroux, M.T. (2001). Forum on Ethics: Domestic Violence: When Fear Prevails Over Trust... *Le Clinicien*, 16(6), 61-69.

#### TEXT TYPE

**Format:** Scientific article

**Content:** Ethical reflection

#### DISCUSSED THEMES

Consequences of spousal abuse, barriers to reporting, law, intervention, burden and stress, ethics.

#### GOAL OR RESEARCH QUESTION

This article seeks to determine what would be the appropriate course of action for Dr. Clinicos.

#### PROBLEM

The problem which gives rise to an ethical reflection is focused on the case of a 73-year-old woman who was hospitalized after falling down the stairs. Nurses noted that the lady was more anxious in the presence of her husband and they mentioned to Dr. Clinicos about her behaviour change. In addition, the lady's son told the doctor that his mother has been victim of spousal abuse for a very long time and asked his mother to report him (the husband) to the police.

#### METHODOLOGY

There is no methodology section in this article.

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## RESULTS

First, from the legal standpoint, every citizen shall have the right, under the terms of article 504 of the Criminal Code of Canada, to report a crime if there are reasonable grounds to believe that it is a criminal act. However, Dr. Clinicos is bound by the obligation of professional secrecy which also includes confessions of the patient's son. Thus, he may not disclose the information received without legal authorization or from the patient herself. Moreover, the patient being an adult, there is no reporting requirement as in the case of children under the Youth Protection Act. From the ethical standpoint, the physician must be compassionate about the well-being of his patient and must take into account the fact that she seemed to experience spousal abuse. The physician should raise as well the awareness of the problem with her, while respecting her choice and her pace. The medical record enables him to address the issue by himself, without having received the information from a third party.

## DISCUSSION

The discussion is included in the results mentioned above.

## CONCLUSION

In short, Dr. Clinicos must not disclose the information provided to him without the patient's consent or authorization by law. There is no legal provision obliging him to report the situation. However, Dr. Clinicos has the duty to intervene with the aim of assisting his patient. He would also have to tell his patient about the different possibilities to get information and assistance on the issue of spousal abuse.

## AVENUES FOR PRACTICE AND RESEARCH

The author mentioned the importance for the physician to consult qualified professionals in this area, in order to be guided in the most desirable way to intervene in a difficult situation. In addition, he mentioned the duty of the physician to inform himself about the different resources and options concerning the patient's situation.

## DRAFTING DATE

December 06, 2013

