

Infectious hepatitis notification

There is a legal duty to report cases of infectious hepatitis, which is a notifiable disease, to the 'Proper Officer' of the relevant local authority (Health Protection Notification Regulations 2010). The 'Proper Officer' is usually the Consultant in Health Protection/Communicable Disease Control. Specific reporting forms are available and patient identifiable information is required. There is also legislation protecting the confidentiality of patients with sexually transmitted infections (NHS Trusts and Primary Care Trusts Sexually Transmitted Diseases Directions 2000).

There is no problem when the patient is willing to allow their name and other identifiable information to be reported as the public health legislation requires. However, when the patient does not wish identifiable data to be used then it may appear that there is conflict between the legislation detailed above.

The DH guidance on this matter details that STIs and HIV are deliberately excluded from the list of notifiable diseases but that ***'Notification is required if a patient attending a GUM clinic is diagnosed with acute infectious hepatitis. This disease is also spread by non-sexual means and so notification will ensure that contact tracing is undertaken and control measures are offered to non-sexual contacts who could be at risk'*** (paragraph 3.6). Clearly, with infectious hepatitis there are implications for non-sexual contacts and therefore there are wider public health concerns than with STIs and HIV.

(http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_114510)

BASHH expects clinicians to discuss the notification process with any patient who has been diagnosed with infectious hepatitis in the Genitourinary Medicine clinic. They should explain the rationale for notification and that identifiable details are required because of the wider public health aspects.

In most cases the patient will be happy for their details to be provided for the purpose of notification.

Where the patient does not wish their identifiable details to be used for notification purposes then, based on the information currently available, BASHH believes that the duty to report infectious hepatitis under the Health Protection Notification Regulations 2010 overrides the NHS Trusts and Primary Care Trusts Sexually Transmitted Diseases Directions 2000. Failure to notify infectious hepatitis would be a breach of the 2010 Regulations.

Individual clinicians are encouraged to seek advice from within their Trusts, for example from the Medical Director and/or legal advisors. Clinicians may also find it helpful to seek an opinion from their medical defence society.

Elizabeth Carlin
Chair Clinical Governance Committee
BASHH

23 August 2010