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Mr Brockman

AIDS ISSUES

Two points on which I should be grateful for advice.

2. First, anonymised testing. I have seen the exchange of minutes between yourself and Dr Pickles. While we were in New York we met some people from the Hastings Center. The Center was founded in 1969 to study issues and problems in "biomedical ethics". They have developed a considerable reputation. It was the more interesting therefore that they have concluded that on balance the advantages to public health of anonymised screening outweigh other considerations including the medical duty to which you referred in your minute. In putting this view, the Center took into account the fact that it was open to anybody to be tested for the HIV virus if they so wished.

3. I am seeking your views on this point because the Center is plainly a body whose judgment we should respect. I attach a copy of a note they produced on screening as an example of their work, together with a more general piece on the Center which shows the sort of backing they have. Interestingly, they commented that none of the civil liberties groups nor the homosexual organisations whom they consulted on the anonymised screening issue took issue with the view the Center had formed.

4. Legal position of haemophiliacs with HIV infection. At the HSSB on Monday afternoon the question was raised of the liability for infection arising from contaminated blood or blood products supplied through the NHS. The point was made that District Health Authorities should be advised to consult either Regional Health Authorities or DHSS about the legal position before entering into any settlement or other recognition of legal liability.

5. Secretary of State concluded by asking for advice on the point. There are a number of different issues here including the fact that some of the infected blood products were supplied from overseas. For example, one batch of blood products supplied by Armour an American firm were not properly heat treated and so remained contaminated. As a preliminary to preparing advice for the Secretary of State on how to handle this, it would be very helpful to have your advice on :

- * the possible liability, if any, of the NHS
- * the way in which we could most properly invite District Health Authorities, if Secretary of State so wished, to consult either RHAS or DHSS about particular cases before entering into negotiation or settlement.

GRO-C

T S HEPPELL

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cc

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Mr McKeever
Dr Harris
Mr Cashman
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