

**Doe vs. Marselle**  
**Supreme Court of Connecticut, 1996**  
**236 Conn. 845, 675 A.2d 835**

The dispositive issue on appeal is whether in order to state a cause of action under the general AIDS statute, the confidentiality provision of the chapter entitled "AIDS Testing and Medical Information", a plaintiff must allege that the person who violated that provision intended to engage in the prohibited conduct and intended to produce the resulting injury. We conclude that a willful violation of the statute requires only a knowing disclosure of confidential HIV related information.

The following facts are undisputed. The plaintiff, Jane Doe, was a patient of the defendant Dionisio C. Flores, a surgeon, to whom, during the course of her treatment, she disclosed that she was infected with HIV. A surgical assistant employed by Flores, the named defendant Doris Marselle, after learning of the patient's condition from her medical chart and from personal discussions with the plaintiff, consulted Flores regarding her intention to disclose the plaintiff's HIV status to Marselle's sons who were illegal drug users and who had friends in common with the plaintiff. Flores authorized Marselle to make the disclosures provided that she not identify the plaintiff by name.

When the plaintiff learned that Marselle had told at least three other individuals in the community that she was HIV positive, the plaintiff, who had never authorized the disclosures, brought a multicount complaint against Flores and Marselle alleging that they each had 1) violated confidentiality, 2) violated the Connecticut Unfair Trade Practices Act, and 3) negligently inflicted emotional distress by disclosing her HIV status.

In her appeal to the Appellate Court, the plaintiff argued that the term "willful" means "intentionally" as opposed to "accidentally" and that the trial court improperly had defined the term to mean intending to injure. The Appellate Court disagreed.

Thereafter, the plaintiff petitioned this court for certification. We granted certification limited to the following questions: 1) Did the Appellate Court correctly conclude that the second amended complaint did not allege a willful violation of the statutes?; and 2) Did the Appellate Court properly decide that the plaintiff's negligence, negligent infliction of emotional distress and Connecticut Unfair Trade Practices Act counts had been properly stricken? Because we answer both certified questions in the negative, we reverse.