DEVELOPING A MODEL CODE OF PUBLIC HEALTH EMERGENCY ETHICS – MOVING BEYOND PRINCIPLES TO CODIFICATION


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Overview

• Workshop Goal – Developing a Model Code of Public Health Emergency Ethics
• Identifying ethical principles vs. crafting a code statement
• Process:
  • Identify core ethics principle ➔
  • Apply principle to a concrete factual scenario to identify key ethical questions ➔
  • Articulate code language to guide decision-making consistent with the ethical principle
• Examples
Examples from Public Health

Principles for Public Health Ethics:

- **Effectiveness**: essential to show that infringing one or more general moral considerations will probably protect public health.

- **Proportionality**: the probable public health benefits should outweigh the infringed general moral considerations.

- **Necessity**: policies that infringe general moral considerations ought to be necessary to realize the public health goal sought.

- **Least Infringement**: public health agents should seek to minimize the infringement of general moral considerations.

- **Transparency**: public health agents have a responsibility to explain and justify infringement of general moral considerations to the relevant parties, including those affected.

Examples from Public Health, cont’d

Excerpts from Code of Professional Public Health Ethics

• Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes.

• Public health should achieve community health in a way that respects the rights of individuals in the community.

• Public health institutions should provide communities with the information they have that is needed for decisions on policies or programs and should obtain the community's consent for their implementation.

• Public health institutions should protect the confidentiality of information that can bring harm to an individual or community if made public. Exceptions must be justified on the basis of the high likelihood of significant harm to the individual or others.

Principle: Transparency

CORE ETHICAL PRINCIPLE:

Policy decisions and their justifications should be publicized and open to public scrutiny

Transparency will:

- Increase public awareness about the public health risks
- Augment the development of an emergency plan
- Increase public confidence that the policies are reasonable, responsive and in line with social values
- Provide feedback to planners
- Maintain public trust and add to the legitimacy of a plan
Transparency Applied

**Situation:** Health officials working on a plan to allocate ventilators in a public health emergency are considering prioritizing young children over the elderly.

**Key question:** How do officials maintain transparency through the process of establishing a plan for ventilator allocation?
All plans for allocation of scarce resources during a public health emergency must be submitted for public review and comment prior to finalizing the plan.
Principle: Reciprocity

CORE ETHICAL PRINCIPLE:

Those who face disproportionate burdens in an emergency should be supported

Needs of health care workers and frontline responders should be prioritized

Purpose of Reciprocity:

- Encourage health care workers and frontline responders to participate during an emergency
- Acknowledge and protect persons who assume additional risks and burdens from their participation for the benefit of others
Reciprocity Applied

Situation: Health officials preparing for a pandemic are seeking to allocate limited available supplies of vaccines.

Key questions:
• How to define persons who are facing disproportionate burdens?
• Which activities are deemed to “benefit” the community?
• How should those facing disproportionate burdens for the benefit of the community be supported during a pandemic?
Those facing disproportionate burdens to protect the community, including health care workers and first responders, should be the first to receive vaccinations in a pandemic.
Principle: Proportionality

CORE ETHICAL PRINCIPLE:

The least restrictive means possible should be used in any situation, reserving coercive measures only for when they are truly needed.

If there are two efficacious choices the one that least infringes on individual liberties should be chosen.

Proportionality helps:

- Reduce public backlash against perceived or actual abuses of power
- Ensure that no more individual rights or freedoms are infringed than necessary
Proportionality Applied

**Situation:** Health officials determining when to isolate or quarantine individuals who present with communicable diseases that could be a potential pandemic threat.

**Key question:** When should an individual who poses a potential risk be isolated or quarantined?
Isolation or quarantine of individuals should only occur when it is determined that the risk of spreading the illness or pathogen is severe enough that other public health measures are insufficient. Isolation or quarantine of individuals must be limited in duration and cannot exceed the period in which the spread of known illnesses or pathogens has passed.
What core ethical principles can we identify based on the discussion and background materials that are relevant in public health emergencies?

- Brainstorming and discussion
- Working toward consensus
Goals for Today

- Moving beyond statement of broad principles.
- Translate core ethics principles into definitive code language to guide decision-makers and actors in a public health emergency in Arizona.