



Healthcare Workers: Obligation to Work During an Influenza Pandemic Outbreak

Presentation by:

Mark Holmes, PhD

Vice President

NC Institute of Medicine

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Healthcare Professionals: Duty to Work

- The duty to care is an ethical obligation for healthcare professionals because:
 - Physicians and other healthcare professionals have a greater ability to provide care than the general public
 - By freely choosing a career devoted to care for the ill, they have assumed risks
 - The professions have a social contract that calls on members to be available in times of emergency
 - *Other reasons?*



Duty to Work, cont'd

- The duty to work must be balanced against other considerations:
 - Duty to care for themselves so they can continue to provide care for the ill
 - Duty not to harm others by transmitting disease
 - Level of risk is reasonable for healthcare workers to assume
 - *Question: Should we explicitly mention balancing the duty to care for the sick with the obligation the healthcare professional has to his/her family?*



Duty to Work: Questions

- Do other critical unlicensed healthcare workers (e.g., nurse aides, home health workers, allied health technicians, administrative or maintenance staff) have the same duty to work as a licensed health professional?
 - If not, do they have any obligation to work?
- Does their obligation to work differ depending on the work the individual is being asked to assume?



Duty to Work: Potential Recommendations

Distinct recommendations:

- **All healthcare providers and other workers in healthcare settings have an ethical obligation to care for the sick during a pandemic influenza outbreak**
- **No healthcare provider has an ethical obligation to care for the sick during a pandemic influenza outbreak**



Duty to Work: Potential Recommendations

Alternative recommendations which can be combined or kept distinct:

- **All licensed health professionals (doctors, nurses, physician assistants, pharmacists, dentists, etc.) have an ethical obligation to provide health services within their scope of practice to ill people during a pandemic influenza outbreak**
- **All workers in healthcare settings have an ethical obligation to carry out their regular job responsibilities if needed to maintain the ongoing operations of the healthcare institution, but do not have a responsibility to assume new job responsibilities during a pandemic influenza outbreak**



Reciprocal Obligations: Potential Recommendations

In order to ask health professionals to assume greater risk and responsibilities, government and employing institutions should ensure:

- **Front-line healthcare workers (those with day-to-day contact with infected individuals) are in the priority list to receive vaccinations, anti-viral drugs, behavioral health services, other non-medical control measures, or other goods or services needed to enable these people to work**
- **Laws should be modified, during a public health emergency, to offer providers protection from liability in providing needed health services**



Reciprocal Obligations: Potential Recommendations (cont'd)

- **Healthcare providers' safety is protected to the extent possible, and providers are able to discharge duties and receive sufficient support throughout a period of extraordinary demands**
- **Government should provide disability insurance and death benefits to staff and their families adversely affected while performing their duties**



Healthcare organizations and institutional checklist

- HHS has created Pandemic Influenza Preparedness checklists: <http://www.pandemicflu.gov/plan/tab6.html>
 - Hospital checklist (pp. 16-19 handout, esp. pp. 17-18, occupational health plan, surge capacity, vaccine & antiviral use plan)
 - Medical office checklist (pp. 20-24, esp. occupational health plan on p. 23 and surge capacity)
- Are there other items that should be added to the checklist? For example:
 - *Which workers are “critical” in the provision of care or to the operation of the organization?*
 - *Is the duty to work during a crisis described in an employee handbook or other personnel manual?*
 - *What are the sanctions if healthy healthcare personnel do not show up for work?*