

# Ethical Principles To Guide Decision Making

Presentation by: Pam Silberman, JD, DrPH  
President & CEO  
NC Institute of Medicine  
June 7, 2006



# Why Ethical Principles?

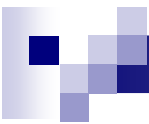
- Government officials, health professionals, institutional or business leaders and the public will have to make hard ethical choices in the event of a pandemic influenza outbreak.
- It is impossible to anticipate every issue that may arise in the event of a pandemic influenza outbreak.
- Developing an ethical guideline in advance of a pandemic outbreak, and seeking public input, will help ensure that decision makers are making reasoned responses to the crisis.



# Key Ethical Principles

***Are these the Key Principles that Should Guide Decision Making?***

- Protection of individual liberty
- Protection of the public from harm
- Proportionality of response
- Privacy protections
- Reciprocal obligations
- Duty to work
  - Healthcare workers
  - Other critical workers
- Equity
- Trust
- Collaboration
- Stewardship
- Reasonableness
- Transparency
- Inclusiveness
- Responsiveness
- Accountability



# Ethical Guidelines: Task Force Feedback

- Task Force members should review the list of guidelines and their descriptions.
- We want to discuss changes in principles or concepts.
  - Editorial changes can be sent to the NC IOM staff separately.
- We can modify this list at future meetings—e.g., after the task force has discussed specific ethical questions (such as duty to work, or allocation of limited resources).



# Ethical Guidelines:

|                           |  |
|---------------------------|--|
| <b>Individual Liberty</b> | <p><b>Any restrictions to personal liberty should:</b></p> <ul style="list-style-type: none"><li>■ <b>Be necessary given the nature of the pandemic influenza outbreak,</b></li><li>■ <b>Employ the least restrictive means needed to protect the public, and</b></li><li>■ <b>Be applied equitably to similarly situated people regardless of race, color, religion, nationality, sex, age, or economic status.</b></li></ul> |
|---------------------------|--|



# Ethical Guidelines

## **Protecting the Public**

**When taking actions that impinge on individual liberties, governmental authorities should:**

- **Balance the harm to the public with harm to the individual,**
- **Provide reasons for voluntary compliance,**
- **Employ the least intrusive means needed,**
- **Discontinue restrictions as soon as circumstances permit,**
- **Specify penalties for non-compliance, and**
- **Establish mechanisms to address inequitable imposition of restrictions or penalties.**



# Ethical Guidelines

|                        |  |
|------------------------|--|
| <b>Proportionality</b> | <b>Restrictions to individual liberty should not exceed what is needed to address actual risk or critical needs of the community.</b>  |
| <b>Privacy</b>         | <b>Any infringement on a person's privacy should:</b> <ul style="list-style-type: none"><li>■ <b>Employ the least intrusive means needed to protect the public,</b></li><li>■ <b>Be as confidential as circumstances permit, and</b></li><li>■ <b>Be discontinued as soon as circumstances permit.</b></li></ul> |



# Ethical Guidelines

## **Reciprocity**

**Society should support those who bear a disproportionate burden in protecting the public, and take steps to minimize this burden as soon as possible.**

**■ Individuals with disproportionate burdens may include: infected persons, healthcare workers, emergency management workers and other first responders, workers in other critical industries, or healthcare professionals, patients and their families.**

**■ Reciprocity may require additional compensation, services, care or special considerations for disproportionately burdened individuals.**



# Ethical Guidelines

## Duty to Work: Healthcare Providers

Inherent in a healthcare professional's code of ethics is the duty to provide care and to respond to human suffering.

- This obligation exists even in the face of increased risk to themselves.

- The duty to provide care during a pandemic must be balanced against the ability to provide care to patients in the future.

- Healthcare organizations and institutions, government and society, owe support to healthcare workers and/or their families at increased risk during a pandemic outbreak (i.e., reciprocity).

- ***Note: this section may be revised after the afternoon discussion***



# Ethical Guidelines

**Duty to  
Work:  
Other Critical  
Workers**

**Certain basic goods and services must be available to the public during a crisis, in order to ensure basic societal needs are being met (e.g., food, water, utilities).**

**Emergency management workers may be needed to maintain calm, or to carry out protection orders.**

**■ Employers and society owe support (reciprocity) to key workers who may be putting themselves or their families at increased risk during a public health emergency.**

***Is there a specific ethical duty to work for non-health professionals?***



# Ethical Guidelines

## Equity

All people have equal moral worth.

During a pandemic, all individuals may not be able to receive all the healthcare services needed.

■ Decisions about who to serve during a pandemic should not be based on an individual's race, color, religion, nationality, sex, age, economic status, or whether the individual is insured, unless there are specific clinical reasons for why different groups should be treated differently.

■ Equity issues may also arise in the workplace, e.g., if certain critical workers are allowed to stay home (pregnant women or single parents), or if certain workers are required to work longer hours.

***Question: Do we want to say more about how to handle the workplace equity issues?***



# Ethical Guidelines

|                      |  |
|----------------------|--|
| <b>Trust</b>         | <p><b>Trust is essential to a relationship between clinicians and patients, organizations and their staff, and governmental organizations and the public.</b></p> <ul style="list-style-type: none"><li>■ <b>Trust, during a crisis, is enhanced by ensuring transparency, equity in the application or restrictions and/or allocation of limited resources, reciprocity, etc.</b></li></ul> |
| <b>Collaboration</b> | <p><b>Response to a pandemic influenza outbreak requires collaboration and cooperation within and among governmental and healthcare institutions and other private organizations.</b></p>  |



# Ethical Guidelines

|                        |   |
|------------------------|---|
| <b>Stewardship</b>     | <p><b>Government officials and others involved in resource allocation should be guided by the notion of stewardship.</b></p> <ul style="list-style-type: none"><li>■ <b>Decisions involving resource allocation should be made to achieve the best patient health and public health outcomes.</b></li></ul>                       |
| <b>Reasonable-ness</b> | <ul style="list-style-type: none"><li>■ <b>Decisions should be based on evidence, principles and value that the public can agree are relevant to meeting the healthcare needs in a pandemic influenza outbreak.</b></li><li>■ <b>Decisions should be made by people who are credible, accountable, and trustworthy.</b></li></ul> |



# Ethical Guidelines

|                      |  |
|----------------------|--|
| <b>Transparency</b>  | <b>The process by which decisions are made should be open to the public for scrutiny, and the basis for the decisions should be publicly accessible.</b>   |
| <b>Inclusiveness</b> | <b>Decisions should be made with the public's view in mind.</b> <ul style="list-style-type: none"><li>■ <b>There should be opportunities to engage the public in the decision making process.</b></li><li>■ <b>Special efforts should be made to include representatives from marginalized and vulnerable populations early in the policy discussions.</b></li></ul> |



# Ethical Guidelines

|                        |  |
|------------------------|--|
| <b>Responsive-ness</b> | <p><b>There should be opportunities to revise decisions as new information emerges throughout a pandemic influenza outbreak.</b></p> <ul style="list-style-type: none"><li>■ <b>There should be mechanisms to address disputes and complaints.</b></li><li>■ <b>The extent of the review process must be balanced with the need to make quick decisions during a pandemic.</b></li></ul> |
| <b>Accountability</b>  | <ul style="list-style-type: none"><li>■ <b>Systems are needed to ensure that decision makers are answerable for their actions and inactions.</b></li><li>■ <b>Individuals, businesses and institutions should not unfairly profit as a result of a pandemic influenza outbreak.</b></li></ul>  |