

Ethics and Decision Making in Public Health

Dakota County Public Health
PH Ethics Seminar
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Presidential Commission for the Study of Bioethical Issues

The findings and conclusions reported here are those of the speaker(s) and do not necessarily represent the official positions of the Presidential Commission for the Study of Bioethical Issues or the US Government.



“And it was so typically brilliant of you to have invited an epidemiologist.”

- **Define and describe public health ethics**
- **Outline ethics skills for all public health practitioners**
- **Describe a method for resolving ethical dilemmas**



Let's Get Started

Case Study in ethical collection and use of public health surveillance data

Background: In 2005, New York City Department of Health and Mental Hygiene planned to expand its chronic disease reporting system for diabetes. The name-based public health surveillance registry would now require that, in addition to reporting results back to the ordering physician, reports from laboratories on A1C results that indicated poor glycemic control must be reported directly to the public health department registry regardless of patient consent. The health department then would notify both individuals and their physicians when the patient's diabetes was not controlled properly. The health department would provide referrals to diabetes-related services that were available to patients in their community.



- Is this collection and use of public health data ethically justified?
- Why or why not?
- Make your case to your table.

Public Health Ethics

- **What is ethics? Bioethics? Public health ethics?**
- **Why do we care about it?**

- **What is ethics?**
 - Consideration of what is right and wrong
 - **Descriptive:** What people view as right and wrong
 - **Normative:** What we think we ought to do and why
 - **Meta-ethics:** How we know what is right
- **What is bioethics?**
 - Practical ethics applied to health, medicine, science, and technology

- **Public health ethics**
 - Moral governance for public health
 - Determines what we ought to do
 - Application of decision making framework
 - Determine course of action when values conflict

- **Other ‘categories’ of ethics apply in public health**
 - Research ethics (Common Rule, IRB)
 - Professional ethics (Codes of Ethics)

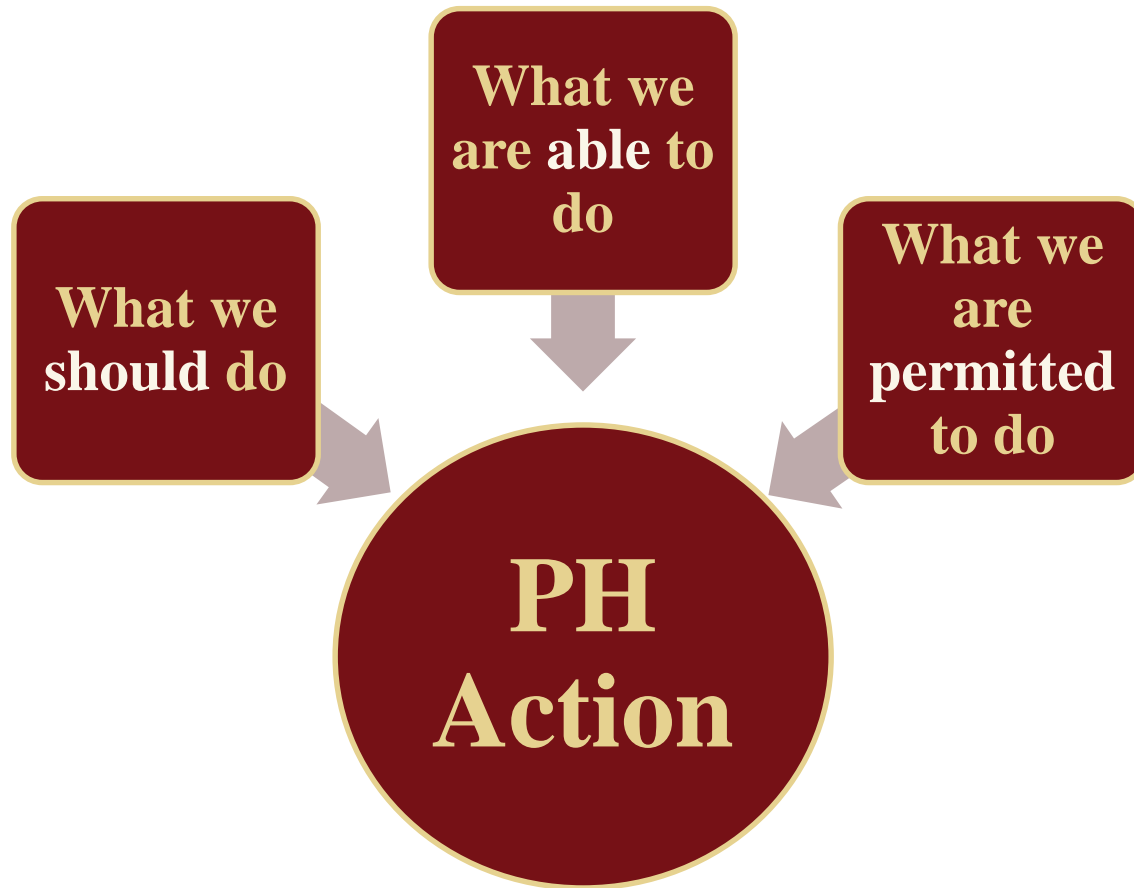
**In public health, we *act* to prevent morbidity
and mortality**



**PH
Action**

Why We Care about Ethics

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Operating Ethical Principles: What Should We *Do*? 15

- **Wide array of tangible expectations that guide what public health practitioners *should* do**
 - Interfere with liberty as little as possible
 - Ensure benefits outweigh infringement
 - Infringe on autonomy only as necessary
 - Be transparent and accountable
 - Reduce inequities
 - Reduce harms & burdens
 - Respect privacy & confidentiality
 - Use evidence-based interventions
 - Focus on fundamental causes of disease

- **Public Health Accreditation Board (PHAB) requires a process for managing ethical issues**
 - Measure 11.1.2.A “The purpose of this measure is to assess the health department’s policies and process for the *identification* and *resolution* of ethical issues that arise from the department’s program, policies, interventions, or employee/employer relations (emphasis added).”
 - Dakota County Public Health Ethics Committee (#2102)

“Should” Considerations in Clinical Medicine & Public Health Practice

Clinical medicine

- Patient is the individual
- Individual benefits
- Individual orientation
- Individual consent



Public Health

- Patient is the population
- Population benefits
- Community orientation
- Community engagement



Public Health
Prevent. Promote. Protect.

Clinical medicine

- **Medical interventions to cure or treat after a condition occurs**
- **Limited number similarly trained professionals**



Public Health

- **Non-medical means (e.g., policy, law, sanitation, behavior change) to prevent illness and promote health**
- **Diverse practitioners**



Clinical medicine

- Individual liberty, autonomy, privacy
- Beneficence, nonmaleficence
- Distributive justice



Public Health

- Respect for persons
- Interdependence, interrelatedness
- Social good, avoiding social harm
- Social justice, human rights



Public Health
Prevent. Promote. Protect.

Moral Governance for Public Health²¹

- Heightened focus on autonomy in clinical ethics over past 40 years is incompatible with health needs of a population
- Recognition of merits of pluralistic values
 - Equity
 - Reciprocity
 - Common good
 - Solidarity
 - Justice



Moral Governance for Public Health²²

- **Dealing with a *public good***
 - Shifting from individual to collective
 - Shifting from personal moral compass to ethical decision making



**Professional judgment is the
judgment of the profession,
not the professional.**

**--Jim Swearingen, DVM
(Former Senior Director, AAALAC)**

- **Our shift to community requires a shift in our ethical duty**
 - *Transparency* to nurture trust
 - *Pluralism* to promote collaboration and participation
 - *Focus on community* to emphasize that good for community is often best for self

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- What are the *public health* ethics dimensions of this case?
- Would you do anything differently now (compared with your first response)?
- Would you justify your position differently?

Ethics Skills for Public Health Professionals

- **What do we need to know how *to do*?**
- **Four skill domains**
 - Identify ethical dimensions
 - Articulate ethical dilemmas
 - Deliberate a path forward
 - Implement and evaluate

- **Identify ethical dimensions in public health**
 - Evidence for what we *can* do and just reasoning for what we *should* do
 - Can this vaccine prevent influenza?
 - Should we require all public health staff to be immunized for seasonal flu?

- **Identify ethical dimensions in public health**
 - Ethical questions are different from personal preferences and cultural customs
 - Should our department implement casual Fridays?
 - Should we promote employees based on how they dress at work?
 - Ethical questions also differ from legal questions
 - Should a child who has not been vaccinated be allowed into school?
 - Should we force parents to vaccinate their children?

- **Identify ethical dimensions in public health**
 - What are the values associated with a public health action or policy?
 - Are values in conflict?
 - If not, it might be important to communicate the ethical dimensions of decisions to stakeholders
 - If so, we have an ethical *dilemma* on our hands

- Identify ethical dimensions in public health
- **Articulate the ethical dilemma**
 - Need a working knowledge of our underlying values in public health
 - What values motivate our work?

- **Liberal concepts**
 - Autonomy, noninterference, individual liberty, respect for persons, and rights
- **Collective concepts**
 - Obligation, producing benefits, preventing harms, protecting trust, confidentiality, population utility, justice, transparency, relationships, equality, participation, and disparities

Liberal



Collective

- Need to consider respect for individual autonomy *and* our obligation to prevent harm and protect community health
- Move from values of liberalism in bioethics toward the collective of community and solidarity in public health ethics

- Identify ethical dimensions in public health
- **Articulate the ethical dilemma**
 - Identify which of these motivations/values are in conflict, for example:
 - Individual liberty and social good (e.g., movement restrictions)
 - Equity and justice (e.g., vaccine subsidies)
 - Public beneficence and individual privacy (e.g., public health surveillance)

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- What are the ethical dilemmas in this case (what values conflict)?
- Discuss with your table to come up with a decision about whether and how to move forward with a plan to reduce diabetes in the city.

Ethics Skills in Practice

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Ethics is a social technology, one for which there are no experts. There is only the possibility of conversation, ideally free of factual mistakes and imbued with mutual sympathy.

-- Philip Kitcher, *Science in a Democratic Society* (2011) p 12.

- Identify ethical dimensions in public health
- Articulate the ethical dilemma
- **Deliberate a path forward**
 - Method to address an open question
 - Evidence (scientific, lived experience)
 - Understanding of values at stake
 - Diverse perspectives
 - Mutual respect
 - Principled reason giving



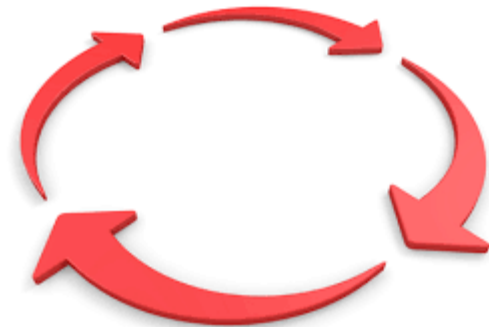
- Identify ethical dimensions in public health
- Articulate the ethical dilemma
- Deliberate a path forward
- **Implement and evaluate**
 - Gather evidence
 - Incorporate new information
 - Ask stakeholders
 - Make necessary changes or adjustments
 - Learn lessons
 - Use as analogous case in the future

- **Four skill domains**

- Identify ethical dimensions
- Articulate ethical dilemmas
- Deliberate a path forward
- Implement and evaluate

- **Method**

- Reflective, participatory
- Multidimensional
- Open to revision with new information





Thank you!