

the catholic health association

growth

Preparing for the Unthinkable: Ethical Issues in Pandemic Preparedness

*St. Dominic's Hospital
May 6, 2009*

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Overview

- Introductory Remarks
- A Shift in Guiding Values
- Some Major Ethical Issues
 - Containment
 - Professional Responsibilities & Reciprocity
 - Rationing
- Roles for the Ethics Committee






Introductory Remarks

- Pandemics and other disasters **turn** our usual way of thinking and making ethical decisions **on their head**
 - Because of this, it's critical to have **policies and procedures** in place **ahead of time**: vetted and educated about with appropriate groups
 - Once pandemic hits, too late to alter embedded practices, policies and protocols
 - Need for **transparency** and **good communication** in developing criteria, policies, etc.
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Introductory Remarks

- Numerous issues to be considered; the more we consider, the more that emerge
 - Will briefly look at several **clusters of issues** ... to raise them up for consideration and conversation, not to give answers
 - **Cost of not addressing** ethical concerns: loss of public trust, low hospital staff morale, confusion about roles and responsibilities, stigmatization of vulnerable communities, misinformation, etc.
 - Before discussing issues, some very initial discussion of **guiding ethical principles**
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A Shift in Guiding Values

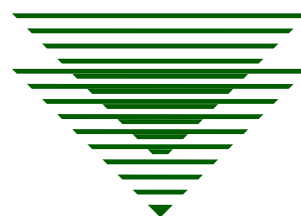
- One of the most challenging things about responding to a pandemic: the need to **shift emphasis** in the values that guide decision making
 - Shift in emphasis from:
 - **Autonomy** and individual liberty to **common good**; liberty and autonomy of individual may need to be overridden for the public good
 - **Individual self-interest**, territoriality, and nationalism to **solidarity**
 - **Individual equity** to needs of the **commons**
 - Normal use of resources to **heightened sense of stewardship**
 - **Patient-centeredness** to **population-centeredness**; primary responsibility is to the public rather than to individual patient, although act in patient best interests to extent possible
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A Shift in Guiding Values

- Also need to consider **fair decision-making processes** and **equity in distribution of resources**
- The shift to an emphasis on the common good does not mean “utilitarianism,” i.e., the greatest good for the greatest number
 - The danger of utilitarianism is that it runs roughshod over the individual ... the dignity of the individual and individual rights; may need to override some individual rights, but also need to show respect and to override equitably
- The **disadvantaged** in normal times **should not bear the burdens** during pandemics

A Shift in Guiding Values

- Generally accepted **criteria to justify compulsory public health interventions** (e.g., quarantine/isolation)
 - Intervention must be **necessary** and **effective**
 - Intervention should be **least restrictive alternative** to effectively respond to threat
 - Should be procedural **due process**; right of appeal
 - **Benefits and burdens** of intervention should be **fairly distributed**
 - Should be **transparency**



Other Guiding Values

- Respect for Human Dignity
 - Non-maleficence
 - Protecting from harm
 - Respecting basic rights to the extent possible
- Promote the Common Good
 - Protect from harm
- Solidarity
 - Among nations, within countries and communities, as well as within and among health care institutions (vs. self-interest, territoriality, competitiveness)
 - Requires collaborative approaches





Other Guiding Values

- Stewardship
 - Getting the most out of limited resources; sharing resources; protecting resources
 - Justice
 - Equity in distributing burdens and benefits
 - Particular concern for the vulnerable and marginalized
 - Due process
 - Ensuring that decisions are made for defensible reasons; that decision makers are impartial; that the application of principles is consistent
 - Trust
 - Truthfulness
 - Transparency and accountability
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Some Major Ethical Issues: *Containment*

- **Quarantine, social distancing, isolation**
- **Examples:** visitors barred; patients restricted to room or certain sections; eliminating gathering in common rooms; health care workers being told to stay home
- Important tool in reducing spread, but **infringes on personal freedoms:** freedom of assembly, privacy, mobility
- How to **balance common good** with **individual rights** and liberties
- Importance of policies and procedures regarding restrictive measures prior to event
- Need for **transparency:** vetting and education with stakeholders

Some Major Ethical Issues: *Professional Responsibilities*

- **Health care workers** will face a **challenge**: serious **health risks** to themselves, families, friends and co-workers vs. **duty to care** for the sick and solidarity with fellow workers
- During SARS epidemic: some infected because of their work and died
- Will need to have **clear expectations and policies beforehand**
- Is there a **duty to treat** and to whom does it apply? Are there **limits** to this duty? How will you **balance** health care professionals' responsibility to care for patients with their responsibilities to their families?
- What do **professional codes** say?
- Again, need for clear expectations set out in a policy that has been vetted and then disseminated and explained

Some Major Ethical Issues: *Professional Responsibilities and Reciprocity*

- Most would argue that there is a **strong but limited ethical duty** to provide care; hold even in the face of greater than usual risks to their own safety (applies to MDs, nurses and allied health professionals)
 - Inherent in the professions
 - Non-abandonment of patients
 - Solidarity with colleagues
 - “Contract” with society
- Non-professional health care workers: not clear
- There are **reciprocal institutional duties**:

Some Major Ethical Issues: *Institutional Reciprocity*

- Institution has an obligation to optimize workplace conditions in order to enable health professionals to discharge duty to patients. Must include at least:
 - Take steps to ensure adequate work force
 - Provide for basic human needs
 - Assure safe and secure work environment
 - Mitigate occupational health risks (vaccines, antivirals, protective gear)
 - Care for employees who succumb to illness
- Also:
 - Help professional meet role obligations
 - Provide medical care for staff member families
 - Hazardous duty pay
 - Overtime pay

Some Major Ethical Issues: *Rationing*

- Health **needs overwhelm** human and material **resources**; there will not be enough beds, supplies, or trained staff to take care of all sick people
- Who gets **vaccines**? By what criteria?
- Who will be **admitted**/discharged and by what criteria?
- Who gets the **vents**? By what criteria? Will some need to be taken off vents to make the vents available to others? By what criteria?
- **Scheduled procedures**: which get done and which not? By what criteria?
- How to provide **palliative care**?
- How will staffing be dealt with? Will probably be high absenteeism due to illness, family responsibilities, fear of contagion; what will be expectations, consequences? How will **staff shortage** be dealt with? Volunteers? Staff cross-training?

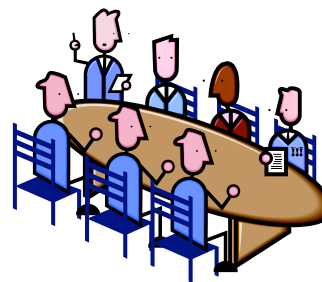
Some Major Ethical Issues: *Rationing*

- Palliative Care
 - Way of respecting dignity of those who will not survive
 - Way of achieving equity for those who cannot benefit from intensive therapy, or who could benefit but will not receive access to life-saving resources
 - Fulfillment of obligation of non-abandonment
- This will require:
 - Stockpile of supplies
 - Identification of non-clinical support staff to provide such care
 - Establishment of linkages with community-based service organizations and personnel
 - Development of educational materials for patients and families to help them understand how to take care of dying family members in absence of access to life-saving hospital care



Roles for Ethics Committees

- Help to **develop ethical criteria/frameworks** for decision-making
 - There is extensive literature and numerous resources available
- **Review institutional policies** and protocols to ensure that they meet ethical criteria
- **Insist on transparency**, vetting to stakeholders, and education
- Engage in **education**



Some Resources

- www.utoronto.ca/jcb/home/documents/pandemic.pdf
- <http://vaww.ethics.va.gov/>
- www.pandemic.bioethics.net



