Preparing for the Unthinkable: Ethical Issues in Pandemic Preparedness

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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.
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
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
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
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://www.utoronto.ca/jcb/home/documents/pandemic.pdf)


• [www.pandemic.bioethics.net](http://www.pandemic.bioethics.net)