

Assembling a Regional Public Health Ethics Committee:

Practices to Address Dilemmas that Cross Jurisdictions

Sarah Surna, MSSA, MPH, BEDHD

Adrienne DeFord, JD, ICHD

Anne Barna, MA, BEDHD



Barry-Eaton District
Health Department

Be Active • Be Safe • Be Healthy



Ingham County
Health Department

Agenda

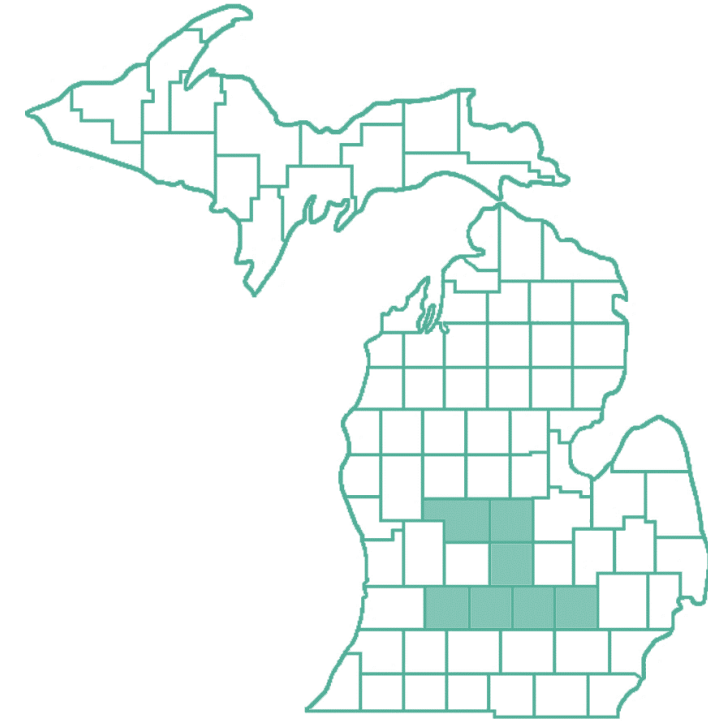
- Cross-Jurisdictional Sharing grant overview
- Formation of the Capital Region Ethics Committee
- Ethics in PHAB
- Need for cross-jurisdictional ethics
- Intentional Ethics curriculum
- Next steps for the committee



Regional Ethics Project

This project is funded by a cross-jurisdictional sharing grant from the Michigan Department of Health and Human Services through funds from the Preventive Health and Health Services block grant from Centers for Disease Control and Prevention.

The Intentional Ethics Curriculum was created by the Capital Region Ethics Committee, consisting of the following local health departments and partners from Grand Valley State University, Michigan State University, and the Michigan Department of Health and Human Services.



Barry-Eaton District
Health Department
Be Active • Be Safe • Be Healthy



Ingham County
Health Department



LIVINGSTON COUNTY
Health Department

Mid-Michigan District
HEALTH DEPARTMENT
CLINTON • GRATIOT • MONTCALM

Capital Region Ethics Committee

- Because the “Capital Counties” work on regional issues often, this partnership seemed natural.
- In addition to BEDHD, MMDHD, and ICHD, Livingston County also participated on this project, helping us to build new relationships with neighboring counties not in the “traditional” region.
- Additional partners such as Grand Valley State University, the Michigan Department of Health and Human Services, Michigan State University, were involved as interest in the effort grew.
- Initially plans were to conduct a regional ethical analysis, but participants felt the need for additional training before this was possible, so plan shifted.



*Advancing
public health
performance*

Public Health Accreditation Board

STANDARDS & Measures

VERSION 1.5

Adopted December 2013

Standard 11.1: Develop and maintain an operational infrastructure to support the performance of public health functions.

MEASURE	PURPOSE	SIGNIFICANCE	
Measure 11.1.2 A Ethical issues identified and ethical decisions made	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.	Efforts to achieve the goal of protecting and promoting the public's health have inherent ethical challenges. Employer/employees relations may also raise ethical issues. Understanding the ethical dimensions of policies and decisions is important for the provision of effective public health and public health management. Defining and addressing ethical issues should be handled through an explicit, rigorous, and standard manner that uses critical reasoning.	
REQUIRED DOCUMENTATION	GUIDANCE	NUMBER OF EXAMPLES	DATED WITHIN
1. Strategies for decision making relative to ethical issues	1. The health department must document the identification of issues with ethical considerations and a strategic deliberative process for consideration and resolution of ethical issues. The policies and procedures must set forth a transparent process that provides an opportunity for input from affected stakeholders and considers their interests. The policies and procedures must provide for the consideration of the best evidence available. There must be opportunities to evaluate decisions as new information becomes available and there must be a provision for accountability of the decision makers. Examples of a process include the adoption of the Public Health Code of Ethics, the establishment of an ethics board, the designation of a committee or process of the governing entity, or other process.	1 process or set of policies and procedures	5 years
2. Ethical issues reviewed and resolved	2. The health department must document the consideration, deliberation, and resolution of ethical issues. Examples of ethical issues include, for example, privately constructed sewers, distribution of vaccine in a shortage situation, staff mandatory immunizations, an employee's use of social media, an employee's acceptance of gifts.	1 example	5 years

Quick discussion:

- Does your health department have an ethics committee?
- What training have you done?

The image shows the cover of a 'Student's Manual' titled 'GOOD DECISION MAKING IN REAL TIME: PUBLIC HEALTH ETHICS TRAINING FOR LOCAL HEALTH DEPARTMENTS', dated June 3, 2019. The cover features three photographs: a group of professionals in a meeting, a group of diverse children, and a group of public health workers. Below the cover is a screenshot of the 'TRAINING WEBSITE' for the UNC Gillings School of Global Public Health and the North Carolina Institute for Public Health. The website includes a navigation bar with links like Home, About, Trainings, Assessments, News, Help, and NCIPH. It also has a 'Trainings By:' section with filters for Topic, Keyword, Newest, Training Series, Competency, and All. The main content area lists training series for 'Public Health Ethics' with details on presentation format, length, and date.

GOOD DECISION MAKING IN REAL TIME:
PUBLIC HEALTH ETHICS TRAINING FOR LOCAL HEALTH DEPARTMENTS
Student's Manual
June 3, 2019

TRAINING WEBSITE | UNC | GILLINGS SCHOOL OF GLOBAL PUBLIC HEALTH | North Carolina Institute for Public Health
Home | About | Trainings | Assessments | News | Help | NCIPH
Create an account | Login

Trainings By:
Topic Keyword Newest Training Series Competency All

View Training Series: **Public Health Ethics**

Distinguishing Public Health Ethics from Medical Ethics (Public Health Ethics, Module 1)
Presentation Format: Audio
Length: 35 minutes
Date: 2014

Values and Beliefs Inherent to a Public Health Perspective (Public Health Ethics, Module 2)
Presentation Format: Audio
Length: 30 minutes
Date: 2014

The Public Health Code of Ethics (Public Health Ethics, Module 3)
Presentation Format: Audio

U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

Need for more ethics



- Ethics can be uncomfortable
- Introductory materials readily available, more in-depth resources more difficult to access
- Some philosophical concepts in framework still unclear
- Many resources focus on global public health ethics or medical ethics
- Ethical dilemmas can cross county borders

Meeting facilitation

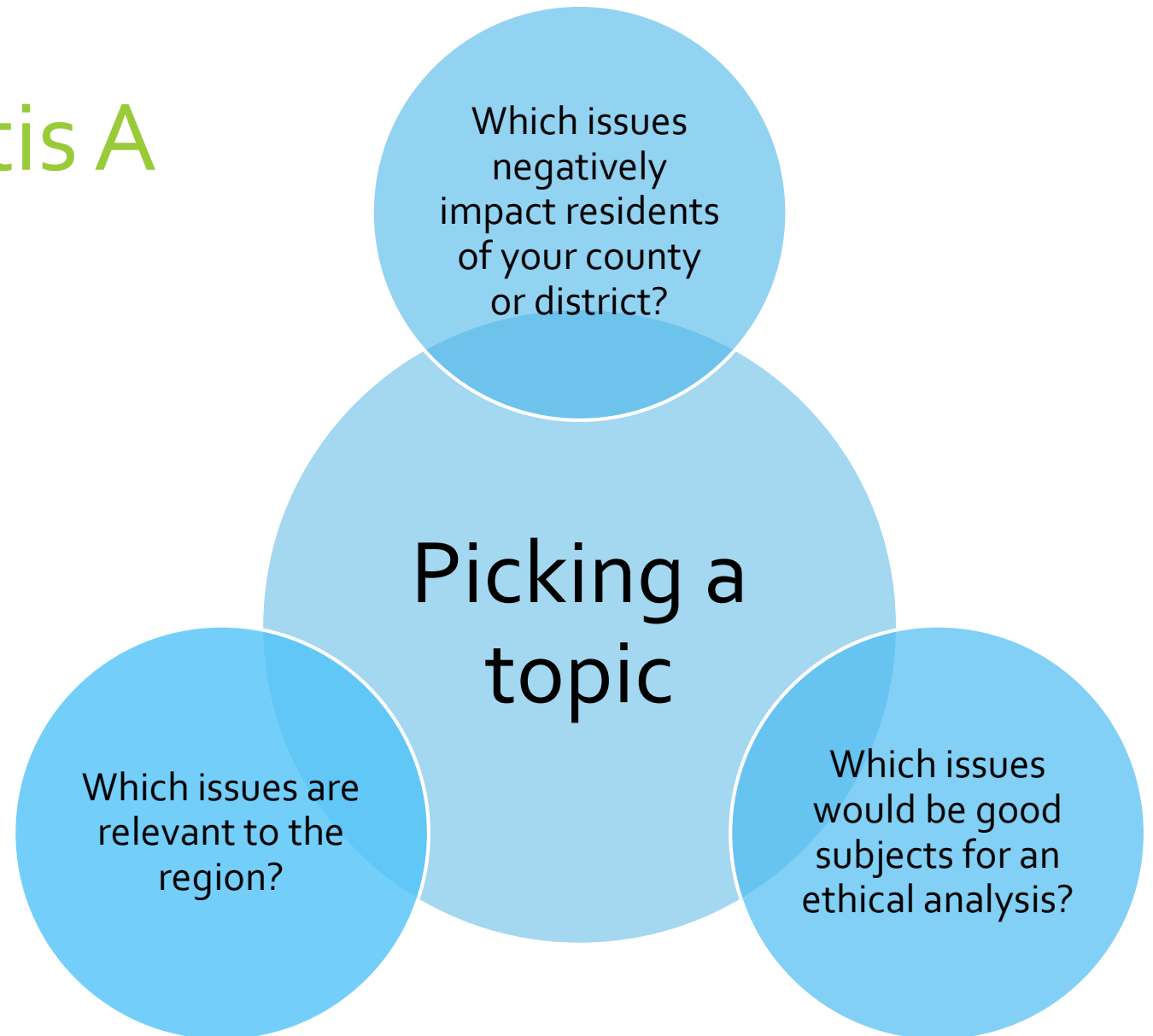
Early meetings used ToP facilitation

- Kickoff questions
 - What are we trying to accomplish with this project?
 - What would help your health department be more effective at ethics and ethical analyses?
 - What should be our timeline?
 - Voting on a topic for analysis
- Planning meeting questions
 - Where are there gaps in current materials?
 - What would be the best format to deliver the curriculum?
 - Previewing the fictional case study



Choosing Hepatitis A

- Topic needed to have certain qualities to be a good candidate for group analysis
- Voted at the end of the kickoff
 - School outbreaks and closures
 - Vapor intrusion and evacuation
 - Vaccine distribution differences between counties
 - **Hepatitis A with food workers and public information concerns**



Curriculum aim

- Review some foundational ethics concepts
- Dive into ethical theories related to public health
- Practice skills used in ethical analysis using a fictional case
- Explore cross-jurisdictional ethics issues
- Explain how theory informs a well-rounded ethical analysis framework
- Discuss implementation of intentional ethical practices at local health departments



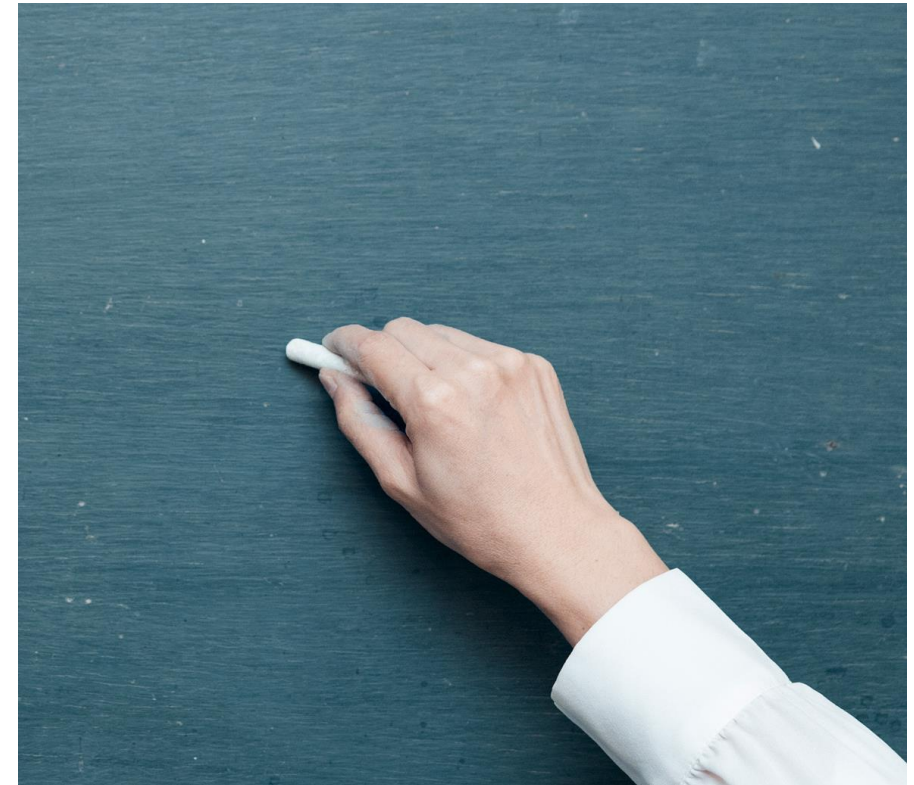
Making the curriculum

- Reviewed existing materials (webinars, online resources, etc.)
- Read *Public Health Ethics, Second Edition* By Stephen Holland
- Brainstormed discussions and activities based on previous challenges and successes experienced by group
- Split up ethical analysis activities throughout presentation



Curriculum contents

- PHAB Accreditation
- Foundational local public health ethics
- Public Health Code of Ethics
- Case study: Identifying the red flags
- Theoretical concepts for ethical analysis
 - Consequentialism
 - Deontology
 - Principlism
 - Virtue Ethics
 - Liberalism
- Case study: Ethical analysis
- Implementation of intentional ethical practice



Curriculum structure

Ethical Issue Identified

The division directors, in consultation with the Health Officer, shall identify which issues shall be considered for ethical analysis. In addition, any staff or stakeholder may suggest an issue for consideration to the Health Officer, however, it will be the Health Officer's decision as to whether that issue gets a full ethical analysis by the committee.



Ethics Committee Convenes

Regular committee members will invite additional participants relevant to the issue, as outlined above.



Ethics Committee Deliberates

Ethics Committee Meeting is convened with relevant participants. Participants discuss answers to the questions posed in the Guide for Conducting Ethical Analysis. Additional meetings convened as necessary to complete the discussion of questions in the Guide. Additional research is conducted as necessary.



Ethical Analysis Completed

The Ethical Analysis is written by the Ethics Committee members, and reviewed by all participants. The committee will submit a recommended course of action to leadership. This recommendation will be supported with the results of the analysis, and therefore, will carry a high degree of influence. However, it is ultimately the responsibility of the Health Officer and/or the Board of Health to make the final policy or intervention decision and determine how to implement their decision(s).

Curriculum activities

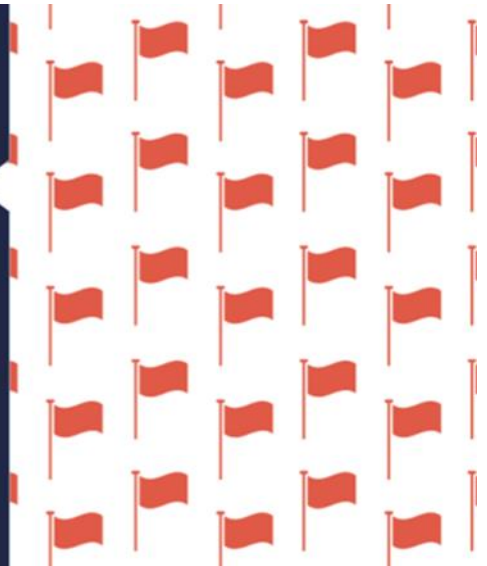
**Pick a
Principle!**

**Name something your
local health department
did that:**

- Exemplifies one (or more) of these principles
- Makes you or your agency proud

Where are the
RED FLAGS?

Which parts of the case
stick out as areas for
further ethical discussion?
Write one per sticky note.



Ethical Theory Sample



Curriculum Sample: Kantianism

- Deontological philosophy described by Immanuel Kant
- Based on “categorical imperative”
 - **Categorical imperative:** Morality is categorically binding (always true), not hypothetical (means to a specific end)
 - Meant to apply to anyone making a moral decision



Two important ideas in Kantianism

- It is wrong to act in a way that treats others as mere means as opposed to ends-in-themselves.
 - People are valuable for qualities such as self-consciousness, rationality, and dignity
 - This value is innate and not based on exchange
 - To treat someone as mere means therefore violates their autonomy
- It is wrong to act in ways that cannot be universalized.
 - If everybody were to do the same action, causing collapse of the system, that action is inherently unethical
 - “It’s not fair to make exceptions for yourself”

Kantianism in Public Health

- Kantianism can bring public health attention back to respect of individuals
- Deontology and Kantianism aren't perfect for public health on their own, either.
 - Local public health is often outcome-driven
 - Local public health acknowledges unintended consequences

Kantianism Applied

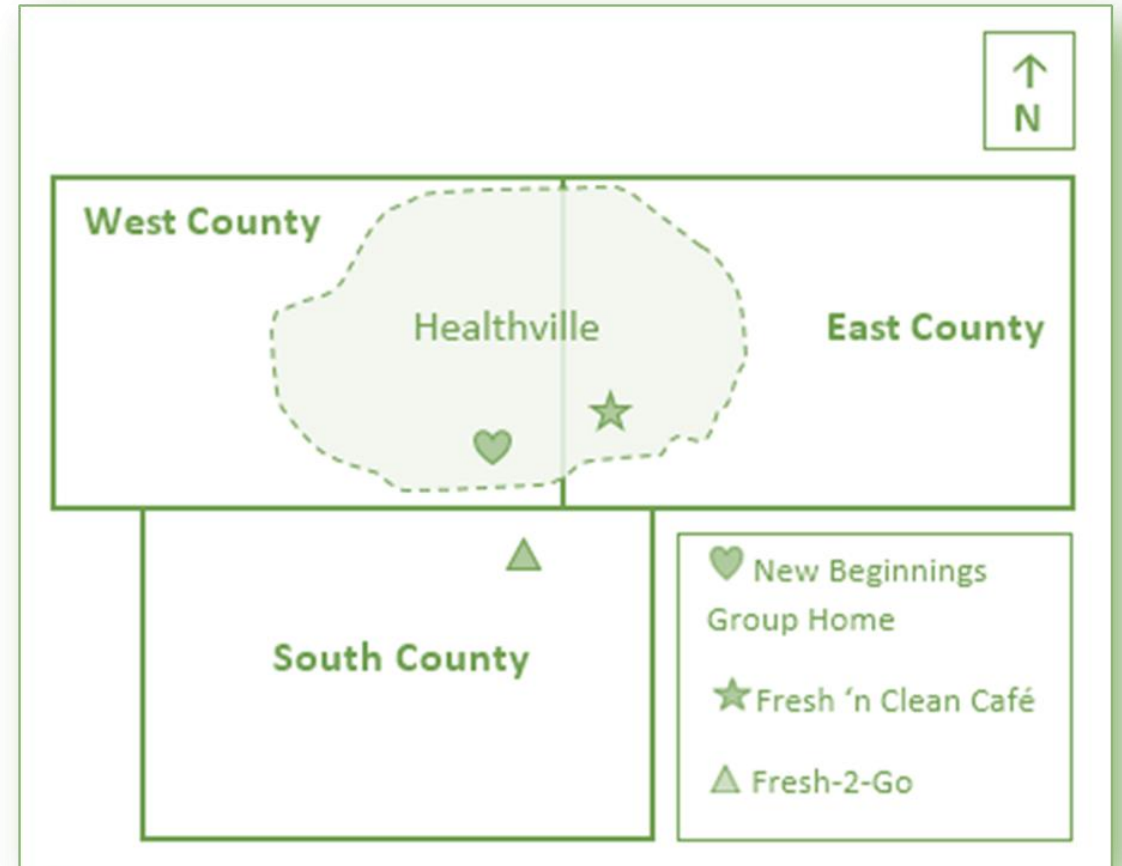
Example: Immunizations and herd immunity

- Voluntary non-immunizers may refuse vaccine
- Universal behavior would be no one receives the vaccine
- Cannot act universally and maintain herd immunity
- Kantianism may then support coercive vaccination policies



Case study preview

- 3 neighboring health departments
- Hepatitis A case – living and working in separate counties
- Restaurant owner running for office
- How do we coordinate media?
- How do we allocate resources as case numbers increase?



Curriculum activities, continued

Choose your own adventure!

Public Information Issues



Cross-Jurisdictional Issues



Pick your favorite question.

Take **30 minutes** to discuss one question of your choice and complete an analysis using an ethical framework.



Example ethical framework

1. **Analyze the ethical issues in the situation**

2. Evaluate the ethical dimensions of alternate causes of public health action

3. Provide justification for a particular public health action

Explore the particular context, and identify the goals and potential harms of the public health action.

- What are the public health **risks** and **harms** of concern in this particular context?
- What are the public health **goals**?
- Who are the **stakeholders**? What are their **moral claims**?
- Is the source or scope of **legal authority** in question?
- Are *precedent* cases or the **historical context** relevant?
- Do **professional codes of ethics** provide guidance?

Example ethical framework

Explore the various options for public health action in this situation.

1. Analyze the ethical issues in the situation
 2. **Evaluate the ethical dimensions of alternate causes of public health action**
 3. Provide justification for a particular public health action
- **Utility:** Does a particular public health action produce a balance of benefits over harms?
 - **Justice:** Are the benefits and burdens distributed fairly (distributive justice)? Do legitimate representatives of affected groups have the opportunity to participate in making decisions? (participative justice)
 - **Respect for individual interests:** Does the public health action respect individual choices and interests? (autonomy, liberty, privacy)
 - **Respect for legitimate public institutions:** Does the public health action respect professional and civic roles and values, such as transparency, honesty, trustworthiness, consensus-building, promise-keeping, protection of confidentiality, and protection of vulnerable individuals and communities from undue stigmatization?

Example ethical framework

Explain how the conclusion was reached.

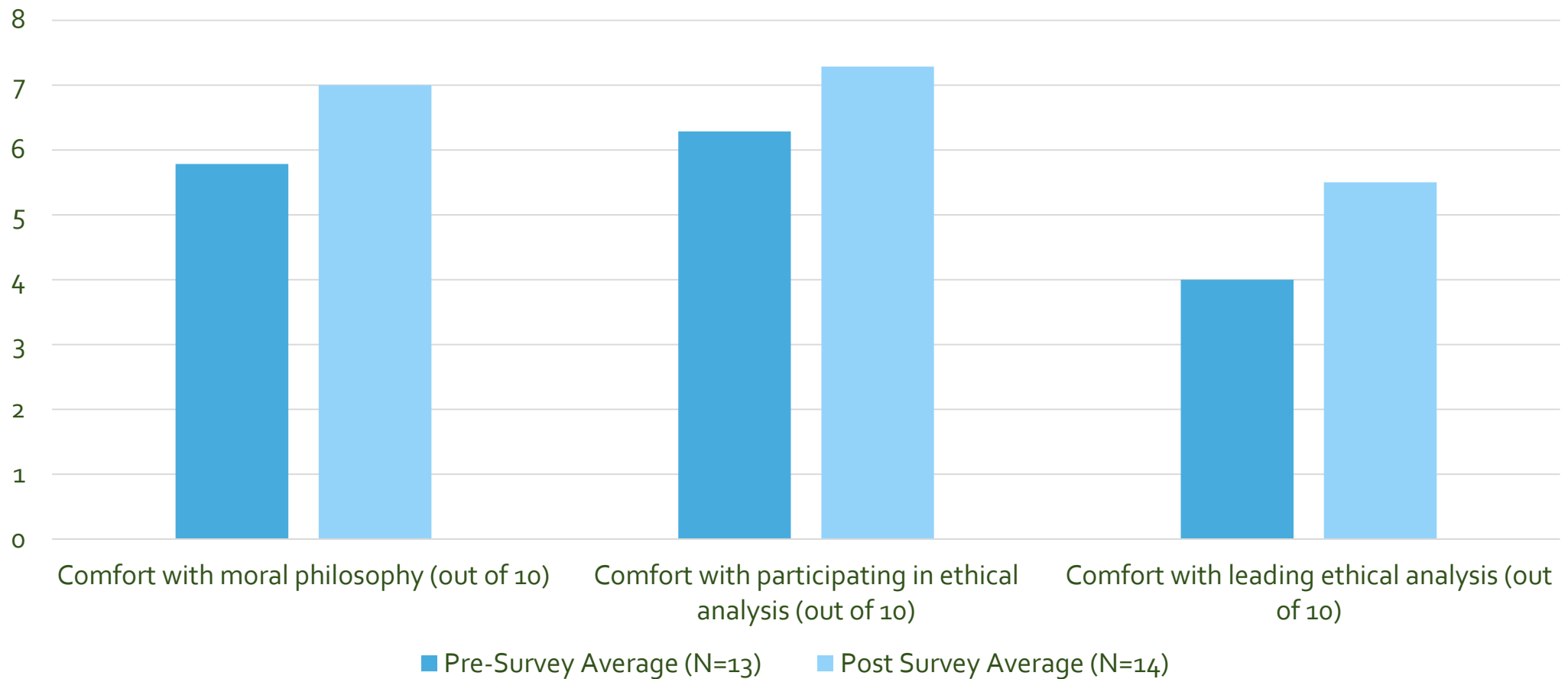
1. Analyze the ethical issues in the situation
2. Evaluate the ethical dimensions of alternate causes of public health action
3. **Provide justification for a particular public health action**
 - ***Effectiveness:*** Is the public health goal likely to be accomplished?
 - ***Proportionality:*** Will the probable benefits of the action outweigh the infringed moral considerations?
 - ***Necessity:*** Is overriding the conflicting ethical claims necessary to achieve the public health goal?
 - ***Least infringement:*** Is the action the least restrictive and least intrusive?
 - ***Public justification:*** Can public health agents offer public justification for the action or policy, on the basis of principles in the Public Health Code of Ethics or general public health principles, that citizens – in particular, those most affected – could find acceptable in principle?

Sources used in curriculum

- Barrett DH. *Public Health Ethics: Cases Spanning the Globe*. Switzerland: Springer; 2016.
- Barrett DG, Bernheim R, Melnick A, Ortmann L, Penn M. *Good Decision Making in Real Time: Practical Public Health Ethics for Local Health Officials*. <https://www.pathlms.com/naccho/courses/282>. Accessed July 10, 2019.
- Crash Course - Philosophy. <https://thecrashcourse.com/courses/philosophy>. Accessed July 10, 2019.
- Holland S. *Public Health Ethics*. Cambridge: Polity Press; 2016.
- Gaare-Bernheim R, Neilburg P, Bonnie R. *Ethics and the practice of public health*. In Goodman R, et al. *Law in Public Health Practice*. Oxford University Press, 2002, 2007.
- Jennings B, Kahn J, Mastroianni A, Parker L (Eds). *Ethics and public health model curriculum*, 2004. <https://repository.library.georgetown.edu/handle/10822/556779>.
- Nathanson S. Act and Rule Utilitarianism. *Internet Encyclopedia of Philosophy*. <https://www.iep.utm.edu/util-a-r/#H4>. Accessed July 10, 2019.
- Public Health Ethics. *NCIPH Training Website*. [https://nciph.sph.unc.edu/tws/training_list/?mode=view_series&subcat_id=521&subcat_title=Public Health Ethics](https://nciph.sph.unc.edu/tws/training_list/?mode=view_series&subcat_id=521&subcat_title=Public%20Health%20Ethics). Accessed July 10, 2019.
- Public Health Leadership Society. *Principles of the Ethical Practice of Public Health Version 2.2. Principles of the Ethical Practice of Public Health Version 2.2*. 2002.

Curriculum evaluation

Ethical Analysis Comfort Pre- and Post- Curriculum



Next steps



- Conduct a REAL full cross-jurisdictional ethical analysis with the Capital Region Ethics Committee.
- Refine the Intentional Ethics curriculum and create a workbook for LHDs through a partnership with GVSU.
- Improve the ethical analysis skills of local health department teams across Michigan through Intentional Ethics Workshops offered in 3 locations. We'd like to offer one in the UP/Northern LP, and 2 downstate. We would like the commitment to attend from multiple health departments.

Questions?

Thank you!