PHC 6102, Principles of Health Policy & Management  
Ethics in Public Health Practice and Management  
*Presentation Contains 26 Slides*

1. Hello and welcome to “Ethics in Public Health Practice and Management.” The content for this lecture is taken, among other cited sources, from *Public Health Administration* by Lloyd F. Novick, et al. and the Centers for Disease Control and Prevention Public Health Law 101 educational series, “Unit 2: Ethics and the Law.”

2. The objectives of this lecture are:
   - Define public health ethics
   - Distinguish public health ethics from public health law and morality
   - Identify the categories of ethical issues in public health practice
   - Apply public health ethical principles to cases
   - Analyze ethical issues within a three step framework

3. In their roles as leaders and managers, public health professionals must address increasingly complex ethical conflicts in day-to-day practice. Many people might believe that ethical questions arise only about the appropriate scope of public health. For example, should the focus of public health include socioeconomic conditions, such as homelessness and unhealthy behaviors?

   But ethical questions also surface regarding the justification for certain public health interventions. That is, should public health focus on particular public health interventions and their ramifications regarding personal freedoms? For example, when is it ethical to take actions that infringe upon the interests of one or more individuals for the benefit of the public good?

   Questions regarding personal freedoms are asked during the lecture on Public Health Law, but this question is also relevant in the discussion on ethics.

4. How do ethics relate to public health law? Public health law provides authority, limitations on state power. Public health law provides the foundation for public health authorities to act. However, laws are broadly framed, which leaves much room for what is referred to as *administrative discretion* about why and how to use public health authority. This means that while the law provides authority to intervene, the law also allows for professional discretion and judgment as to when and how to use that authority appropriately.

   Ethics plays an important complementary role in connection with the law. Ethics helps public health officials to determine and justify the appropriate course of action. And the study of ethics provides us with the tools to determine suitable demarcations between the right and wrong courses of action.

   In a table provided by the CDC educational series, Public Health Law and Public Health Ethics are compared. Whereas law is more formal (exemplified by statutes, regulations, and court decisions); ethics is less formal (based on moral norms, professional codes, and previous cases). The law plays out in public proceedings with “reasonable person” standard, and decisions based
on ethical considerations must be publicly justified, based on reasoning. For example, “We are imposing detention because …” The words following the “because” must demonstrate why the public’s health overrides the individual’s claim to liberty.

5. “Ethics” refers to the discipline that examines what is good conduct, the moral standards of a society. It also refers to what we should do in a particular situation or when faced with a decision. We have to recognize also that for certain complex issues there is no right answer. There may be a good and sound answer that is perhaps preferred among other alternatives. And you will have to be able to think through these issues to determine the best answer for a given problem. You will also have to realize that sometimes the best answer may still be laden with problems and criticisms.

6. Ethics would be defined differently than morality. When we talk about morality, we are referring to our shared beliefs about what is good and bad, right or wrong. While the terms are often used interchangeably, the terms are closely related but have different meanings.

Morality refers to our beliefs about what is good and bad, right or wrong. Morality is a social institution. It predates each of us; it is passed along through generations. People grow up with a basic understanding of moral norms, such as truth-telling, keeping promises, not killing or harming innocent persons.

Morality provides reference points for our ethical decision-making process. According to the CDC materials, the key difference is that “ethics” refers to our inquiry or examination about what is good conduct and about our decision-making process when confronted with dilemmas about what is the right course of action. In short, ethics can be thought of as applied morals.

7. In professions, codes of ethics are often created, in part, to lay the foundations for trust with those that they serve and to establish the profession’s particular identity. The Code of Ethics for Public Health is a list of moral norms of public health professionals. The Public Health Leadership Society (PHLS), in consultation with public health practitioners from across the nation, promulgated the: “Principles of the Ethical Practice of Public Health (Code).” The principles were formally adopted by the American Public Health Association (APHA) Executive board in 2002. Please see the PHLS Code of Ethics .pdf included in this week’s course materials. According to the CDC, the Code is a “living document” that “can be enriched over time.” It effectively “acts as a guidepost for deliberation about the role and values of the profession.”

8. The field of public health ethics offers public health managers vocabulary, concepts and frameworks to analyze ethical dilemmas. Among the most important concepts that guide public health ethical analysis are Influential Ethical Theories called Utilitarianism, Liberalism and Communitarianism. Utilitarianism is the idea that actions should be judged on the basis of their consequences (i.e., maximize net utility for all parties affected by the decision). Utilitarianism asks whether a decision produces a balance of benefits over harms. Liberalism focuses on individual interests and human rights, and asks, does the public health action respect individual choices and interests? Communitarianism emphasizes communal values, visions of common
good, traditional practices. Communitarianism asks that the common good be identified and promoted without a fixation on individual rights.

9. According to the academic literature, as cited by the CDC, the four Categories of Public Health Ethical Dilemmas are as follows:

- Public-private partnerships and collaboration in general;
- Allocation of scarce resources and priority setting;
- Collection and use of data and information;
- Politics and relationships with government officials.

10. But what about actions that are not clearly right or wrong? The study of ethics, especially in the context of public health, is often even more useful when right and wrong are not so easily identifiable. So we must sometimes balance several ideals simultaneously. How do you know what is the ethical choice when confronted by a complex problem?

Ethical violations are clear when they are overt, egregious, and cause immediate harm. But sometimes the right ethical choice is not always so clear. Certain types of ethical violations may not seem so bad, at least not at the moment. However, we need to remember that sometimes ethical violations have an insidious nature. Consequences of these violations may sneak up on you.

Suppose you are an accountant in a hospital, and your boss wants you to participate in what seems to be a harmless scheme to receive slightly greater insurance reimbursement. Your boss explains that the hospital needs the revenue badly to financially stay afloat, and the way he describes the situation makes it seem all so harmless. It is in these situations that a study of ethics is most important. It is in these situations where you really need an ethical guide. And you need ethical courage.

What is needed to give you an ethical guide and to help you develop ethical courage is a systematic approach for determining ethical behavior in public health. So, at this time we will take a look at a systematic approach for ethics in public health. Fortunately, public health ethics offers this systematic approach to balancing competing moral considerations and stakeholder interests, making trade-offs, and justifying decisions. We will discuss determining what to do in situations of ethical uncertainty using this approach.

11. Three ethical dilemma cases will be presented. First, “With Whom to Partner,” the second can be called “Newborn Screening and Parental Consent,” and third, “Using Public Health Funding.” We will examine each case with a systematic approach or “Framework for Analysis and Deliberation” presented in this lecture. The systematic approach helps to answer the question: all things considered, what is the right action to take in this situation, and why?

12. Let’s take a look at a possible actual situation where ethical tradeoffs would have to be made. In the first case, this situation might be called: with whom to partner.

Here is the situation: The health department in a poor community serves economically disadvantaged residents. Health department employees realize that many of the residents they
serve have major dental healthcare needs. There are problems with tooth decay, gum disease, cavities, etc. Many of the residents have remarked to health department employees that they are in constant pain due to dental problems.

The health department is then invited by a local fast food restaurant to be a partner on a dental health project. The restaurant, with support from its soda vendor, proposes to donate $100,000 a year to the health department to provide a free dental clinic. This seems like a good deal! But does the restaurant owner want anything in return for this donation of money? Does the soda vendor want anything in return for its donation?

In exchange for this generous donation, the restaurant owner wants only to have its name and the name of the soda listed in very small print on health department educational materials on dental health which is to be distributed to the community.

13. At this point, questions begin to be raised. Two health department officials, including the nutritionist directing the obesity program, believe such a partnership is unethical. Their perspective is that obesity is a problem for the entire nation, so we don’t need to be promoting high calorie, high carbohydrate sodas. This product only exacerbates the problem of obesity as well as other health concerns.

On the other hand, the donation of $100,000 would finance an abundance of cavity fillings, root canals, teeth cleanings, etc. Isn’t the other side of the issue that it would be unethical not to accept the donation? So much good could be done as a result of the free dental clinic.

What should the health commissioner do? Do you encourage obesity by partnering with a restaurant and soda vendor and advertising them on your written materials? But if you don’t partner with the restaurant and soda vendor, you are then forfeiting a gift of $100,000 for the free dental clinic, which could be accessed by residents, many of which really need dental care.

Some people might say that the public health agency should avoid such a partnership because it compromises the message and the mission of the health agency. Other people might say that the residents’ dental care is more important and of greater immediate concern than compromising the message; so the public health agency should lock in the partnership with the restaurant and soda vendor as quickly as possible. There is no one right answer in this case. As a result of the final decision, whether it is to accept or reject the partnership, there will be criticisms, disagreements, and some negative consequences. The key is to recognize which decision would bring about the most positive gains and the least negative results.

We will work through this issue using information on the following slides.

14. The public health ethics framework is not a simple formula, but rather is a series of questions designed to provoke rigorous deliberation in public health agencies or ethics advisory groups. The systematic method of making decisions about ethical situations is a way of organizing the facts and projected outcomes. The systematic method of analyzing ethical issues helps you to focus on the mechanics of your decision and helps you to remove any emotional attachment you or others may have regarding a particular decision.
As part of the systematic method we need a framework for analysis and deliberation about ethical issues in public health. We need to analyze the ethical issues; evaluate the ethical dimensions of the various public health options; and provide justification for one particular public health action.

15. We will first look at analyzing ethical issues.

In analyzing ethical issues within this framework, a public health official should ask certain questions: What are the public health risks and harms of concern in this particular context? What are the public health goals? Who are the stakeholders and 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?

16. Now we look at the second item in the framework for analysis and deliberation of ethical issues: evaluate the ethical dimensions of the various public health options. This involves the concept of utility which asks the question: does a particular public health action produce a balance of benefits over harms?

It also involves justice. The questions involving justice would be: are the benefits and burdens distributed fairly (distributive justice), and do legitimate representatives of affected groups have the opportunity to participate in making decisions (procedural justice)?

17. Respect for individual interests is the third aspect in the evaluation of ethical dimensions of various public health options. Respect for individual interests asks the question: does the public health action respect individual choices and interests (autonomy, liberty, privacy)?

There must also be respect for legitimate public institutions: Does the public health action respect professional and civic roles and values, such as transparency, honesty, trustworthiness, promise-keeping, protecting confidentiality, and protecting vulnerable individuals and communities from undue stigmatization?

18. Now we look at the third item in the framework for analysis and deliberation of ethical issues: providing justification for one particular public health action. This type of justification involves concepts such as effectiveness, proportionality, necessity, least infringement, and public justification.

Let’s begin by discussing effectiveness which asks the question: is the public health goal likely to be accomplished with this option? Regarding proportionality the question is will the probable benefits of the action outweigh the infringed moral considerations?

19. Regarding necessity: Is it necessary to override the conflicting ethical claims in order to achieve the public health goal?

Least infringement: Is the action the least restrictive and least intrusive?

Finally public justification asks the question: Can public health agents offer public justification for the action or policy that citizens and in particular those most affected could find acceptable?
20. Let’s examine a second ethical dilemma: Newborn Screening and Parental Consent. Not currently required, a state legislature is considering a law that would require parental consent for newborn screening. Newborn testing is not conducted over parental objection. Currently only a few states require consent. The health department has been asked to take a position on the pending legislation.

What position should the health department take? Let’s review the “Framework for Analysis and Deliberation” as applied to this case.

21. Step one: Analyze the ethical issue.

What are the public health risks and harms? Obtaining consent from each parent is difficult, costly, and an unwarranted expenditure of time and money. Process of obtaining consent does not have to be time-consuming or burdensome but rather can be part of an educational process that enhances the health professional-patient relationship. Also, given that newborn screening can lead to psychological harms associated with false positive tests, perhaps an individual choice should be respected

Who are the stakeholders and what are their positions? Mothers (individual right and potential harm with false positives); health practitioners (increased administrative burden); public health managers (current screening program viewed as successful)

Are precedent cases and the historical context relevant? An example is of a precedent is the required immunization for school enrollment with opt-out opportunity in cases of religious circumstances.

What are available options? Options include: mandatory screening without consent; Routine Screening with Advance Notification (Opt-In); Routine Screening without Advance Notification (Opt-Out), which includes screening and testing unless objection is raised; Voluntary Screening, which requires full consent and might also include a pre- and post-counseling session with each new mother.

22. Step two of the framework is to evaluate the ethical dilemma. The ethical concepts that most apply to this case are utility and respect for individual interests. Regarding utility, the benefits of screening are substantial, and may outweigh the potential harms. Also, the individual interests may be sufficiently respected because the newborn testing may not be conducted if there is any parental objection.

23. Finally, in step three, the decision must be justified publically. The history of newborn screening has led to the current social acceptance of newborn screening as routine. Therefore, the public health benefit may override individual liberty in this case.

24. The final dilemma example is “Using Public Health Funding.” A state health department has just received funding to pilot innovative HIV education and outreach for high-risk groups. The department is considering an education project that includes distributing clean syringes and needles to drug users in order to provide sustained education to this high-risk group.
Another potential use for the funds includes education outreach to low-income women by employing nurses to visit women in their homes. Some community members complain that providing clean syringes is unethical and others claim that the funds should be used for the low-income women instead.

25. This case is a difficult ethical dilemma. The CDC material makes the point that given the religious and moral pluralism in our society, it is inevitable that some conflicts about moral norms and decisions in public health cannot be resolved without controversy. Reaching publicly acceptable decisions may require considerable deliberation about what is ethically required.

Conduct an analysis of this case on your own. First, analyze the ethical issues, and be sure to consider the competing moral norms. Next, evaluate the ethical dimensions of the various public health options. (It should be noted that providing clean needles has been found to be effective in HIV education outreach.) Finally, provide justification for one particular public health action.

26. This concludes the lecture on Ethics in Public Health Practice and Management. The following questions are some that you will be expected to know:

1. How do ethics and law differ?
2. How do ethics and morality differ?
3. What does Public Health Ethics offer a public health practitioner?
4. What are the steps to the systematic approach for determining ethical behavior in public health?
5. What are some of the ethical issues and conflicts that arise most often in public health?

This concludes the lecture. Thank you for watching & listening.