PHC 6102
Principles of Health Policy & Management

Ethics in Public Health Practice and Management

PUBLIC HEALTH ADMINISTRATION
Principles for Population-Based Management

Centers for Disease Control and Prevention
Objectives

• 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 3 step framework
When Ethical Questions Arise

• The appropriate *scope of public health*
  – e.g., Should public health focus on homelessness? Unhealthy behaviors?

• Justification for certain *public health interventions*
  – e.g., actions that infringe upon the interests of individual(s) for the benefit of the public good
Ethics and Public Health Law

- Law in Public Health – Provides authority, limitations on state power; allows for **administrative discretion**
- Ethics in Public Health – Provides ongoing analysis, deliberation about, and justification for public health action and policy; often when law is indeterminate.

<table>
<thead>
<tr>
<th>Law</th>
<th>Ethics</th>
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<tbody>
<tr>
<td>Formal institution</td>
<td>Less formal</td>
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<tr>
<td>- Statutes</td>
<td>- Moral norms</td>
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<td>- Regulations</td>
<td>- Professional codes</td>
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<td>- Court decisions</td>
<td>- Previous cases</td>
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<td>Public proceedings with “reasonable person” standard</td>
<td>Publicly justifiable positions, based on reasoning</td>
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What is Ethics?

“Ethics” refers to the discipline that examines what is **good conduct, the moral standards of a society**, and what **we should do in a particular situation or when faced with a decision.**
Morality vs. Ethics

• **Morality** refers to stable and widely shared beliefs about what is right or wrong that an individual internalizes; often passed on through generations.

• Morality provides reference points for our ethical decision-making process, especially in cases of dilemmas.

• Ethics can be thought of as “applied morals.”
Code of Ethics

• The Code of Ethics for Public Health is a list of moral norms of public health professionals.
• The Public Health Leadership Society (PHLS): “Principles of the Ethical Practice of Public Health”
• Formally adopted by the American Public Health Association (APHA) Executive board in 2002
• See PHLS Code of Ethics .pdf included in this week’s course materials
Influential Ethical Theories

• **Utilitarianism:**
  – Judges actions on the basis of their consequences (i.e., maximize net utility for all parties affected by the decision)

• **Liberalism:**
  – Focuses on individual interests and human rights

• **Communitarianism:**
  – Emphasizes communal values, visions of common good, traditional practices

Categories of Public Health Ethical Issues

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

Ethics in Public Health

- Ethical violations are clear when they are overt, egregious, and cause immediate harm.
- But sometimes the right ethical choice is not always so clear
  - Ethical violations may have an insidious nature
    - Consequences sneak up on you
- What is needed is a systematic approach for determining ethical behavior in public health.
Three Ethical Dilemma Cases

• Examples: 1. With Whom to Partner, 2. Newborn Screening and Parental Consent, 3. Using Public Health Funding

• Examine each case with a systematic approach or “Framework for Analysis and Deliberation” presented in this lecture.

• Systematic approach helps to answer the question: all things considered, what is the right action to take in this situation, and why?
Dilemma #1: With Whom to Partner?

• The health department in a poor community with major dental health care needs is invited by a local fast food restaurant to be a partner on a dental health project. The restaurant, with support from its soda vendor, would donate $100,000 a year to a health department dental free clinic.

• In exchange, the restaurant wants only to have its name and the name of the soda listed in very small print on health department educational material on dental health distributed to the community.
Dilemma: With Whom to Partner?

• Two health department officials, including the nutritionist directing the obesity program, believe such a partnership is unethical.

• What should the health commissioner do?
Framework for Analysis and Deliberation about Ethical Issues in Public Health

• **The Framework:**
  – Analyze the ethical issues;
  – Evaluate the Ethical Dimensions of the various Public Health Options; and
  – Provide Justification for One Particular Public Health Action.
Framework: Analyze

1. **Analyze the Ethical Issues** in the Situation
   - What are the public health **risks and harms**?
   - 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** relevant?
   - Do **professional codes of ethics** provide guidance?

Framework: Evaluate

2. Evaluate the Ethical Dimensions of the Various Public Health Options

  – Utility:
    • Does a particular public health action produce a balance of benefits over harms?

  – Justice:
    • 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)?

Framework: Evaluate

• 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, promise-keeping, protecting confidentiality, and protecting vulnerable individuals and communities from undue stigmatization?

Framework: Justification

3. Provide Justification for One Particular Public Health Action

- **Effectiveness:** Is the public health goal likely to be accomplished with this option?

- **Proportionality:** Will the probable benefits of the action outweigh the infringed moral considerations?

Framework: Justification

• **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?

• **Public justification**: Can public health agents offer public justification for the action or policy that citizens and in particular those most affected could find acceptable?

Dilemma #2: 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?
Framework: Analyze

1. Analyze the ethical issue:
   – What are the public health risks and harms?
   – Who are the stakeholders and what are their positions?
   – Are precedent cases and the historical context relevant?
   – What are available options?
Framework: Evaluate

2. Evaluate the ethical dilemma:
   – **Utility:**
     • Benefits of screening are substantial, relative to potential harms.
   – **Respect for Individual Interests:**
     • Newborn testing may not be conducted if there is any parental objection. This diminishes violation of an individual’s autonomy.
Framework: Justify

3. Justify a decision:
   – The history of newborn screening has led to the current social acceptance of newborn screening as routine.
   – Public health benefit may override individual liberty in this case.
Dilemma #3: 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.
Framework for Analysis and Deliberation about Ethical Issues in Public Health

• Conduct an analysis on your own:
  – Analyze the ethical issues;
    • Consider the competing moral norms
  – Evaluate the ethical dimensions of the various public health options
    • Providing clean needles is considered effective in HIV education outreach
  – Provide justification for one particular public health action.
Questions

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?