

Pandemic Influenza Planning: Ethical Framework



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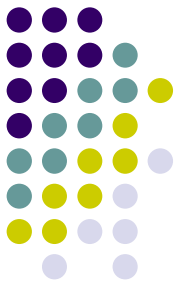
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Outline



- Activities to date
- Overview of current draft of Ethical Framework
- Decision Review Process Template
- Where do we go from here?





“ Collective forethought & a broad consensus would go far in helping to tackle the unique moral & ethical dilemmas that will arise when a catastrophic event occurs.”

Iseron & Pesik 2003





Activities to Date

- Clinical Ethics Centre invited to develop an Ethical Framework for S & W's Pandemic Planning Committee
- Consultation process:
 - Joint Centre for Bioethics, U of T:
 - Clinical ethics
 - Organisational ethics
 - Public Health ethics



Activities to Date



- Ethical Framework now been vetted by:
 - Joint Centre for Bioethics, Clinical Ethics Group
 - S & W Pandemic Planning committee
 - MOHLTC (OHPIP) Consultation
 - Ethical Framework integrated in OHPIP

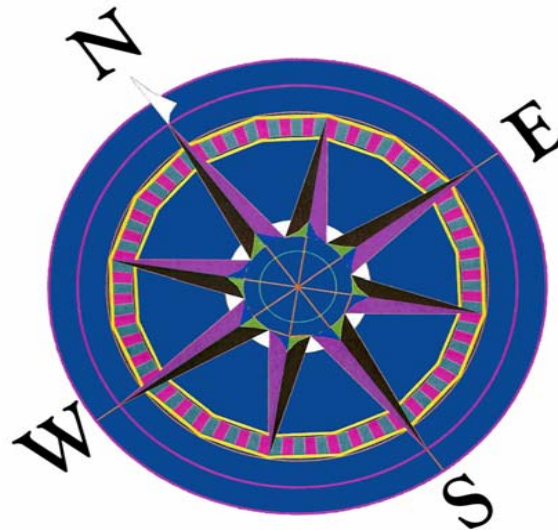




Why an Ethical Framework?

Decision-makers need a moral compass during public health crisis. Proportion of crisis unknown- framework needed that will guide.

Hard decisions will have to be made. How, why, when & by whom?



Ethics & Disaster & Bioterrorism – What can we learn?



Triage Iserson & Pesik 2003

- **Civilian Triage**
 - Most ill or vulnerable prioritized
- **Battlefield Triage**
 - Save those soldiers who can serve & protect
- **Triage following Disasters** (natural, man-made & industrial)
 - Balance between civilian & battlefield triage
- **Triage following biochemical terrorism**
 - Optimal use of resources to benefit most people- Senior clinicians decision-makers



Ethics & SARS – What did we learn?



Singer et al 2005 BMJ

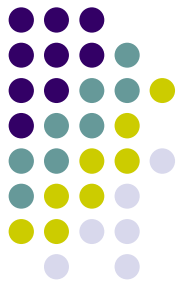
Ethics and SARS: lessons from Toronto

Ten key ethical values



Collateral Damage

Bernstein & Hawryluck 2003 Critical Care



- Trust, truth-telling & relationships with colleagues
- Public infection & infection control ICU
- Professional integrity & relationships with patients/families
- Resource allocation



Ethical Processes: A4R (Norman Daniels)



- Ethical Decision-Making Processes are:
 - Open and Transparent
 - Reasonable
 - Inclusive
 - Responsive
 - Accountable



Guiding Values



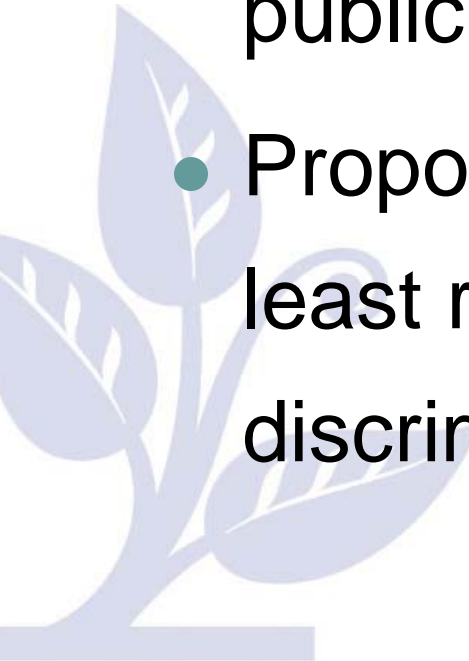
- Individual Liberty
- Protection of the public from harm
- Proportionality
- Privacy
- Equity
- Duty to Provide Care
- Reciprocity
- Trust
- Solidarity
- Stewardship





Individual Liberty

- Autonomy rights- in tension with public good
 - Limitations to rights of individual during public health crisis
 - Proportionality, protecting public good, least restrictive means, without discrimination to certain groups





Protection of the Public From Harm

- Public well-being & safety- in tension with individual autonomy

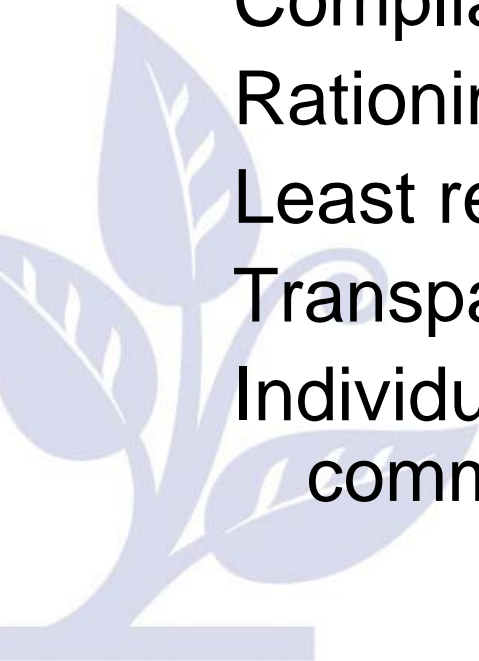
Compliance of individuals for public good

Rationing –priority setting

Least restrictive means used

Transparency of consequences

Individual's interest in the well-being of community





Proportionality

- Personal liberty/rights- in tension with restrictions
Restrictions to individual/group in proportion to risk to public health
Justifies use of more coercive measures when least coercive measure have failed to achieve appropriate “ends”





Privacy

- Right to privacy in tension with demands of crisis for shared information

Proportionality

Protection from stigmatization

Disclose only that which is necessary to protect public health





Equity

- All patients have equal claim- in tension with need to prioritize (triage) during crisis

Preserve equity as much as possible

Procedural fairness- maximize buy-in

Fair criteria

Stewardship





Duty to Provide Care

- Professional duty to respond- in tension with barriers (personal; organizational; societal)

SARS revealed tensions

Is there a difference in obligations when risk is known Vs. unknown?

Need for decision review process





Reciprocity

- Support for those enduring a disproportionate burden during crisis

Measures taken to address/minimize burden where-ever possible



Trust



- Fundamental value on all levels from bedside to boardroom

Maintaining trust- in tension with having to impose limits

Ethical processes

stewardship



Solidarity



- Interdependence- in tension with territoriality (individual/departments/institutions)
Shared responsibility re: stewardship





Stewardship

- Decision-makers have obligations when allocating resources to:
 - Avoid/minimize collateral damage
 - Maximize benefits
 - Protect and develop resources
- Good stewardship entails consideration of:
 - Good outcomes (benefits to the public good)
 - Equity (fair distribution of benefits and burdens)





**“In the midst of a crisis where guidance is incomplete, consequences uncertain, & information constantly changing, where hour by hour decisions involve life & death, fairness is more important rather than less.”
Bell et. Al. 2004**



Decision Review Process: Essential Features (Jennifer Gibson)

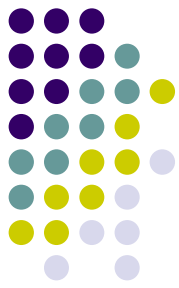


- Anticipating the need for decision review process prior to crisis
- Assessing pre-existing mechanisms & ensuring they adhere to ethical principles



Decision Review Process: Essential

Features (Jennifer Gibson)



- **Transparency re:**
 - Access for decision review
 - Criteria for review
 - Review process/leadership
- **Accountability:**
 - Monitoring outcomes





Where Do We Go From Here?

- These are “living” documents
- Approval to share widely
- OHPIP published June 2005
- JCB continuing to support development of the Ethical Framework

