



Crook County Health Department

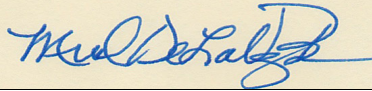
Reaccreditation Cover Sheet

Measure Number	RD #	Example or Document
11.2	1	Ethics Policy

Page #	Required Element
2 - 7	CCHD Policy and Protocol for:
4	Identification of ethical issues
4	Consideration of ethical issue
5	Deliberation of ethical issue
6	Resolution of ethical issue



**CROOK COUNTY HEALTH DEPARTMENT
POLICIES AND PROCEDURES**

SUBJECT: Health Promotion	NUMBER: ADM192.01	Page 1 of 7
TITLE: <u>Public Health Ethical Practice Framework</u> Muriel DeLaVergne-Brown, RN, MPH 	EFFECTIVE DATE: 12/18	
INITIAL APPROVAL BY: Director	DATE: 12/18	
PERIODIC REVIEW BY: Leadership Team	DATE: 1/19	
APPLIES TO: All Staff Members	REVISED:	

PURPOSE

CCHD will use this policy and procedure to guide ethical analysis of public health issues in Crook County. This will provide a consistent method to integrate ethics into our daily public health activities. An ethical analysis is an approach to decision-making that will help foster the development of ethical justifications for public health actions and decisions. It will include group discussion that involve listening, understanding others’ perspectives, and expressing and challenging each other’s reasons. The Ethics Committee will act with transparency and accountability to ensure a fair process.

The purpose of this policy is to:

- Define the framework for ethical practice within the department.
- Adopt a public health code of ethics applicable to the department and its employees.
- Establish an ethics review process.
- Support PHAB standard 11.1.2 (version 1.5)

POLICY

The Crook County Health Department will fulfill its mission in a manner that respects the rights of individuals in the community, without discrimination. CCHD will make every effort to make decisions and policies that are, necessary, effective, and provide the least infringement to all involved and can be justified to the public.

BACKGROUND

Public health ethics involves a systematic methodology to clarify, analyze, prioritize, and justify possible public health actions based on ethical principles, values, and beliefs of various stakeholders, scientific other information, and sound public health practice (CDC). Decisions relating to public health policy and practice should be based not only on sound scientific principles, but also on the values of those most affected. Implementation of many public health interventions requires the careful balance of prevention and liberty.

Public health ethics seeks to understand and clarify the principles and values which guide public health actions. Principles and values provide a framework for decision making and means of justifying decisions. Because public health actions are often undertaken by governmental public health agencies and are directed at population level, the principles and values which guide public health can differ from those which guide actions in biology and clinical medical (bioethics and medical ethics) which are more patient or individual-centered.

As a field of practice, public health ethics is the application of relevant principles and values to public health decision making. In applying an ethics framework, public health ethics inquiry carries out three core functions.

- Identifying and clarifying the ethical dilemma posed
- Analyzing it in terms of alternative courses of action and their consequences
- Resolving the dilemma by deciding which course of action best incorporates and balances the guiding principles and values

Do not confuse ethical practice with legal ethics requirements. Oregon Ethics Law applies to all public employees. This law provides a legal framework for your actions relative to your public employment (such as nepotism, public contracts, compensation, and influence).

GLOSSARY OF TERMS

Public Health Ethics involves a systematic methodology to clarify, analyze, prioritize and justify possible public health actions based on ethical practices, values, and beliefs of various stakeholders, scientific and other information and sound public health practice.

PROCEDURES AND STANDARD OPERATING GUIDELINES

PRINCIPLES OF ETHICAL PRACTICE OF PUBLIC HEALTH

CCHD adopts the following principles of Ethical Practice of Public Health that are applicable to all employees of CCHD:

1. Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes.
2. Public health should achieve community health in a way that respects the rights of individuals in the community.
3. Public health policies, programs, and priorities should be developed and evaluated through processes that ensure an opportunity for input from community members.
4. Public health should advocate for, or work for the empowerment of, disenfranchised community members, ensuring that the basic resources and conditions necessary for health are accessible for all.
5. Public health should seek the information needed to implement effective policies and programs that protect and promote health.
6. Public health institutions should provide communities with the information they have that is needed for decisions on policies or programs and should obtain the community's input for their implementation.
7. Public health institutions should act in a timely manner on the information they have within the resources and the mandate given to them by the public.

8. Public health programs and policies should incorporate a variety of approaches that anticipate and respect diverse values, beliefs, and cultures in the community.
9. Public health programs and policies should be implemented in a manner that most enhances the physical and social environment.
10. Public health institutions should protect the confidentiality of information that can bring harm to an individual or community if made public. Exceptions must be justified on the basis of the high likelihood of significant harm to the individual or others
11. Public health institutions should ensure the professional competence of their employees.
12. Public health institutions and their employees should engage in collaborations and affiliations in ways that build the public's trust and the institution's effectiveness.

In addition, each employee should adhere to any professional code of ethics or standard of practice that is application to their professional certification.

GUIDELINES FOR ETHICAL PUBLIC HEALTH DECISION MAKING

The following guidelines will be used for decision making at CCHD. These principles should be part of any policy or practice decision making relating to a public health action. While not a formal or rigid process, these three elements should be part of the decision-making consideration.

1. Analyze Ethical Issues (Identification):

- a. What are the risks and harms of concerns?
- b. What are the public health goals?
- c. What, if any, are the moral claims of stakeholders?
- d. Is the source or scope of legal authority in question?
- e. Are precedent cases relevant?
- f. Do professional codes of ethics provide guidance?

2. Evaluate the Ethical Dimensions of the Alternate course of Public Health Action:

- a. Utility: Does the public health action produce a balance of benefits over harm?
- b. Justice: Are the benefits and burdens distributed fairly?
- c. Respect for individual and community interests: Does the public health action respect individual and civic roles and values?

3. Provide justification for a public health action:

- a. Effectiveness: Is the public health goal likely to be accomplished?
- b. Proportionality: Will the benefits of the action outweigh the infringed moral considerations?
- c. Necessity: Is overriding the conflicting ethical claims necessary to achieve the public health goals?
- d. Least infringement: Is the action the least restrictive and least intrusive to all parties?
- e. Public Justification: Can public health offer justification that citizens, and in particular the most affected, could find acceptable in principle?

4. Values

- a. Stakeholders will be invited to participate in ethical analyses to ensure transparency of the process.

- b. Ethical analyses will focus on policy operations and will not focus on individual or group behavior.
- c. Staff facilitating ethical analyses will have met basic training requirements.
- d. CCHD will develop and support a culture that values high ethical awareness and standards.
- e. CCHD will be a leader in the field of public health for its efforts in organizational ethics.

5. Ground Rules

- a. Committee members will be respectful of each other and of all participants.
- b. The committee will be clear with staff and other participants about the level of confidentiality that can be practiced.
- c. The committee will focus on policies, systems, and operations. Personnel issues are to be referred outside of the committee.

DECISION MAKING IN EVERYDAY PRACTICE

CCHD employees make decisions every day that affect people, programs, and policies. Employees have the following expectations relative to everyday decision making:

1. All employees will be familiar with policy 192.01 – Principles of Ethical Practice Framework.
2. All employees will be familiar with any code of ethics or standards of practice for their license or professional certification.
3. All employees, to the best of their ability, will make decisions that are supported by the guidelines and standard provided in this policy.

RESOLUTION OF ISSUE POSING AN ETHICAL DILEMMA

From time to time, issues will arise that pose an ethical dilemma and are not easily resolved by the individual employee. Examples may include the following:

- Significant deviation from established policy or procedure.
- Decisions that may result in the restriction of movement of individuals, restriction of liberty, or revocation of a license or permit.
- Decisions that may conflict with HIPAA, or a presumed right of privacy.
- Decisions that may apply to groups differently, have bias, or have the appearance of discrimination.
- Potential conflicts of interest.

When a question of conflict arises that is not easily answered by the employee, it is the employees' responsibility to discuss the issue with their supervisor in an attempt to resolve the issue. If the issue cannot be resolved with the supervisor, then the issue will be discussed with the health director.

An issue may be made to the Leadership Team for action. A referral for review can be made by any employee or community member. Referrals shall be in writing using the Review Committee Referral Form and submitted to the Health Director.

ETHICS REVIEW COMMITTEE – LEADERSHIP TEAM WITH LEGAL REPRESENTATION AS NEEDED

CCHD established a committee that consists of the leadership team (three supervisors, one lead, and the director), the HIPAA Compliance Officer, concerned staff members, and representative from the legal department if needed. The purpose of the committee:

- Assist the department in resolving any decisions that pose an ethical dilemma;
- Review suggested ethical dilemmas and determine if they are appropriate for analysis;
- Facilitate and/or participate in analyses;
- Analyze the case;
- Making recommendations for resolution;
- Prepare reports describing analyses outcomes and recommendations (reports will include all perspectives from the analysis);
- Coordinate reporting of ethical analysis, recommendations, and results back to participants;
- Continue education and training for committee and staff.

To ensure an open and transparent process, key stakeholders will be invited to participate in ethical analysis. When appropriate, the committee may also invite non-stakeholders, such as content experts, to participate.

PROCESS

1. Receive the referral
2. Meet as a leadership team/review committee
3. Determine legal assistance
4. Provide notes on the process and determine action: No action, Request for further information, and accept for review
5. Document review process and recommendation

DECISION MAKING AUTHORITY

The final responsibility for decisions relative to the policy is with the Health Director, unless specified by the Board of Health.

DEFINITIONS

Ethics – the study of or deliberation about 1) what choices should we make and why, and 2) what moral norms should guide our actions

Morality – refers to moral norms about right and wrong that are stable and widely shared in society

Moral Claims – the perceived rights or expectations of a stakeholder based on moral norms

Moral Norms – guide our behavior; not absolute (universal and particular norms)

Universal Norms – widely accepted norms

Particular Norms – moral norms that apply only to certain communities, professions

Public Health – refers to the health of community and is not specific to the Crook County Public Health department or its partners

Public Health Action – refers to an action initiated or implemented by CCHD

CITATIONS AND REFERENCES

Principles of the Ethical Practice of Health Health, Version 2.2, 2002 Public Health Leadership Society

Bernheim RG; Nieburg P; Bonne RJ; Ethics and the Practice of Public Health. In Goodman, RA, ed. Law in Public Health Practice, 2nd ed. Oxford, NY: Oxford University Press; 2007:115

CDC. Public Health Law Program

<https://www.cdc.gov/od/science/integrity/phethics/>

<http://www.naccho.org/programs/public-health-infrastructure/ethics>

<https://www.cdc.gov/od/science/integrity/phethics/resources.htm>

<https://www.cdc.gov/od/science/integrity/phethics/trainingmaterials.htm>

GUIDE FOR CONDUCTING ETHICAL ANALYSIS

1. Analyze the ethical issues in the situation

Assess identities of stakeholders, what they have at stake in the case, and in the alternate courses of 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 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?

2. Evaluate the ethical dimensions of the alternate courses of action

Assess identities of stakeholders, what they have at stake in the case, and in the alternate courses of action

- Utility: Does a particular public health action produce a balance of benefits over harm?
- Justice: Are the benefits and burdens distributed fairly? Do legitimate representatives of affected groups have the opportunity to participate in the decision-making?
- Respect for individual interests: Does the public health action respect individual choices and interests?
- Respect for 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?

3. Analyze the Ethical Issues in the Situation

Assess identities of stakeholders, what they have at stake in the case, and in the alternate courses of 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 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 health justification for the action or policy that citizens and in particular those most affected can find acceptable?