

**University at Albany  
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**Grand Rounds Series**

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**University of South  
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Preparedness**



**Ethics In the  
Age of Bioterrorism**

August 31, 2005



**Call-In**

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**Evaluation**

**[http://www.ualbanycphp.org/  
eval/cphpeval.cfm?ID=39](http://www.ualbanycphp.org/eval/cphpeval.cfm?ID=39)**

### Objectives: Attendees Will

- Attend to the tension between individual needs and liberties versus the “common good”
- Acquire tools they might use to attend to ethical conundrums raised by preparing for and responding to terrorist attack

### Early 20th Century

- In San Francisco, during an outbreak of Bubonic Plague, only the people of San Francisco’s Chinatown were quarantined, even though the plague was found in all the residents of the area.

### Objectives: Attendees Will

- Become acquainted with the “precautionary principles”
- Become acquainted with ethical issues concerning Public Health

### Who Will Get the Best Care?

- 72% of respondents in a national pool said that wealthy and influential people would get vaccine first, if supplies were limited

### Crucial Public Health Ethical Principle

- Public Health decisions, actions and programs will reflect a commitment to a fair distribution of benefits and burdens.

### Who Will Get The Best Care?

Cont.

- 43% thought that the elderly would experience discrimination
- 22% thought that African-Americans would experience discrimination

Blendon NEJM 2003

## **Toolbox For Ethical Deliberation**

### **Foundational Principles - Toolbox for Medical Ethics Discourse**

- Autonomy
- Beneficence
- Non Maleficence
- Justice

### **A Framework for Ethical Decision Making**

- Recognize that you are faced with a moral issue
- Gather a multidisciplinary team trained in ethical deliberation, if available
- Gather the facts

### **Ethical Discourse From Different Moral Perspectives**

- Rights (Locke)
- Entitlements (Rawls)
- Consequences (Mills)
- Universal ideals/Intentions (Kant-Categorical Imperatives)

### **A Framework for Ethical Decision Making**

- Evaluate alternative actions from various moral perspectives
- Make a decision about how to proceed
- Act and reflect on the decision and alter course, if necessary

### **Legal Toolbox International Perspective**

- New International Health Regulations (5/05) give the World Health Organization the authority to restrict worldwide travel and commerce to and from...

## National Autonomy

...affected infectious disease outbreak areas and the authority to demand timely, adequate, and appropriate information from officials of affected countries, though countries can refuse to participate.

## Due Process

- Any person residing in the United States must be given notice of an action to be taken against him
- Have the opportunity to be heard
- Be able to enforce and protect his rights before a court that has the power to hear and determine the case

## Due Process and the Fifth Amendment USA

- The United States Constitution prohibits the federal government from acting without providing due process rights to people residing in the United States. 1791

## Due Process

- The right to privacy
- The right to equal protection, such that persons in similar situation should be treated similarly by the government

## Due Process and the Fourteenth Amendment

- "...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." 1868

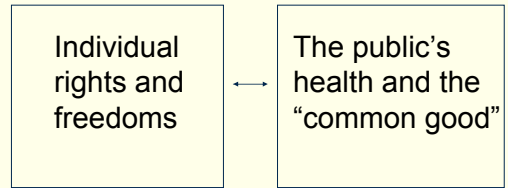
## Foreign Intelligence Surveillance Act: Section 218; Patriot Act

- Persons living in the United States can be subject to secret searches authorized by a secret court, so long as there is any foreign intelligence component or allegations thereof

### Section 214-Trap and Trace

- The federal government can monitor the source of all incoming calls without warrant requirements, so long as they certify that the information likely to be obtained is relevant to an ongoing investigation against international terrorism.

### In Public Health, There is a Tension Between:



### The Precautionary Principle

- Transparency of decisions
- Inclusion in decision making process
- Accountability

### Jacobson v. Massachusetts 1905 Justice Harlan

- Government is instituted "for the common good, for the protection, safety, prosperity and happiness of the people, and not for the profit, honor or private interest of any one man, family or class of men."

### The Precautionary Principle

- Action, even coercive action, must be taken when there is a serious threat to the public's welfare, often in the face of uncertainty.

### Coercive Public Health Action Must Be Shown To Be:

- Effective
- Necessary
- The least restrictive means; proportional
- Impartial

## Public Health Ethical Concerns

- Liberty, freedom of movement
- Freedom of association
- Bodily integrity

## Resource Information

Course...

## Public Health Ethical Concerns

- Right to privacy
- Justice, **fair distribution of benefits and burdens**
- Procedural justice, due process

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## Public Health Ethical Concerns

- Right to control one's own property and destiny
- Obligation/Duty  
(personal vs. familial vs. societal)
- Responsibility

## Evaluation

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