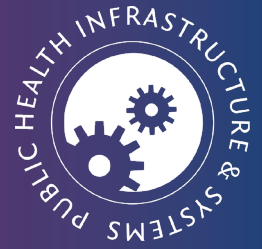


# Selecting Ethical Issues for Deliberation



## Introduction

Public health ethics underscores the foundational practice of public health. Every day, local health officials and leaders must make decisions that affect their community, but for which there may not be a clear, evidence-based answer. As COVID-19 has shown, sometimes these decisions can result in feelings of mistrust between community members and health departments and the pressure and stress associated these decisions can leave leaders feeling discouraged. The practice of public health ethics requires thoughtful consideration and an infrastructure that allows its components (such as members of an ethics committee) to mobilize quickly when issues emerge. Recognizing the challenges associated with timely deliberation, this resource aims to provide guidance around the identification of public health issues and tips to ensure a judicious process.



## Types of Ethical Issues

Ethics is a system of moral principles that provide a framework for decision-making and conduct. Issues can arise in a number of areas that LHD staff and leaders may recognize:

**Bioethics** – The study of ethical issues brought about by advances in biology and medicine, such as in emerging genetic technologies.

**Clinical ethics** – An analysis of ethical issues and dilemmas in clinical practice in order to improve quality of patient care.

**Research ethics** – Ethical issues that emerge when human subjects are participants in scientific research.

**Workplace ethics** – Common in human resource management, these are issues related to personnel such as recruitment, organizational culture, and organizational policies that work to foster a fair and inclusive workplace.

**Public health ethics** – Practical decision making that supports public health's mandate that encompasses the following:

1. **Principles:** The rules, norms, and values relevant to the practice of public health
2. **Problems:** The kinds of recurrent ethical challenges public officials face
3. **Procedures:** Systematic approaches to address ethical dilemmas and challenges that arise in public health practice
4. **Practice:** An upstream, ethics-in-all-policies approach to decision making that is integral to the translation process and that incorporates human-centered design



## How do you know if it's a public health ethics issue?

Public health ethics issues have a number of characteristics that distinguishes it from other types of ethics:

- i. **Focus is on populations and communities** – Collective good takes precedence over individual choice
- ii. **Legal authority vested to enact and enforce law** – Decisions around public health ethics issues arise from the tensions of LHOs considering how to carry out public health authority while balancing public welfare against individual autonomy.
- iii. **Societal consent through political process, public engagement** – Many actions that are required of the affected individuals may or may not be adhered to (e.g., Mask mandates during COVID). Individuals will vote for policy makers that are able to influence the reach of public health authorities in various states.

- iv. **Social good and avoiding social harm** – Similar to the ethical obligation in medicine “do no harm” to the patient, public health leaders must consider options that avoid social harm and do social good, even if it means sacrificing efficacy.
- v. **Social justice and equity** – Many public health ethics issues are rooted in social justice by examining the fair and balanced distribution of resources between groups.

Examples include:

1. Sexually transmitted diseases and contact tracing
2. Mandated treatment for multidrug resistant tuberculosis
3. Prioritize vaccine allocations during an outbreak





## Selection and Deliberation of Public Health Ethics Issues

One of the challenges in ethical deliberation is the time that it takes to convene a committee, invite outside relevant stakeholder, and provide recommendations and insights. Often, immediate and decisive action is needed when it comes to key public health issues, so this process may be condensed or overlooked entirely even though the nature of the issue may benefit from stakeholder engagement. The following points offer tips for when to consider engaging the ethics committee around a public health ethics issue and how to ensure the appropriate infrastructure is in place to assemble the group quickly and efficiently.

### Considerations for determining an appropriate public health ethics issue to the ethics board or committee:

1. Would the decision mean a decrease in individual autonomy or choice?
2. Does adoption of the decision require the support of multiple stakeholders with different interests?
3. Does the decision require considerations that go beyond what is outlined in public health law and policies?
4. Is there an emotional investment of stakeholders in the issue in which the decision may bring up feelings of embarrassment, fear, anger, etc.?
5. Would LHD leader benefit from a collective deliberative process to support decision making in order to increase compliance?

### Regularly practice deliberation and facilitation

While the ethics committee may not be asked to deliberate on issues of a regular basis to support the health department, it is beneficial to practice the techniques of successful deliberation by working through case examples. Before engaging in the deliberation, it is helpful to conduct a brief stakeholder analysis to ensure the appropriate voices are represented at the table, including those that provide varied perspectives and interests in the issue.

Ethics issues for practice deliberation may be determined by suggestion of committee members, identified from the media, or by working through case studies, such as those offered by the CDC.

The [Good Decision Making in Real Time](#) student handbook offers a three-step ethical analysis framework for questions to help facilitate the deliberation.



### Ensure Varied Stakeholders are Represented on the Committee

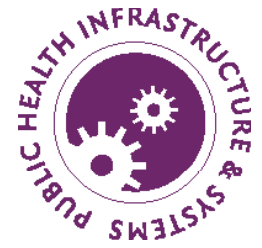
While each issue may require the addition of particular members, it is helpful to have a diverse committee in place as a foundation. The NACCHO resource “So You Want to Start an Ethics Committee” provides tips and suggestions for considering and recruiting members from various sources.

### Have a process in place for convening the committee and addressing issues

In order to convene the committee quickly and efficiently, members should be clear on expectations and roles for participation. Having a committee charter is a good way to outline core values and establish processes. [NACCHO's Public Health Ethics page](#) provides some example charters as well as guidance for establishing committee processes.

# [FACT SHEET]

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## Resources

Public Health Code of Ethics: [https://www.apha.org/-/media/files/pdf/member-groups/ethics/code\\_of\\_ethics.ashx](https://www.apha.org/-/media/files/pdf/member-groups/ethics/code_of_ethics.ashx)

CDC Public Health Ethics case repository: <https://www.cdc.gov/os/integrity/phethics/trainingmaterials.htm>

Good Decision Making in real Time Student Manual: [https://www.cdc.gov/os/integrity/phethics/docs/Student\\_Manual\\_Revision\\_June\\_3\\_2019\\_508\\_compliant\\_Final\\_with\\_cover.pdf](https://www.cdc.gov/os/integrity/phethics/docs/Student_Manual_Revision_June_3_2019_508_compliant_Final_with_cover.pdf)

So you Want to Start an Ethics Committee: <https://www.naccho.org/programs/public-health-infrastructure/ethics/so-you-want-to-start-an-ethics-committee>

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## For more information, please contact:

**Ashley Edmiston, MPH**

Director, Workforce and Leadership Development

[Aedmiston@naccho.org](mailto:Aedmiston@naccho.org)



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1201 Eye Street, NW, Fourth Floor • Washington, DC 20005

Phone: 202.783.5550 • Fax: 202.783.1583

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