

Public Health Ethics Review Committee Charter

Clark County Public Health



Purpose

The Clark County Public Health (CCPH) Ethics Review Committee is comprised of a diverse group of community volunteers charged with:

- Providing guidance to CCPH staff, management, and community partners on ethical issues.
- Encouraging and supporting an institutional culture of ethical awareness and high ethical standards
- Providing a process of open and transparent decision making.

Values

- Stakeholders will be invited to participate in ethical analyses to ensure transparency of process.
- Ethical analyses will focus on department policy or operations and will not focus on individual or group behavior. Suspected unethical behavior on the part of staff will be referred to the appropriate CCPH program manager or Leadership Team representative.
- Staff facilitating ethical analyses will have met basic training requirements.
- A health equity perspective will be included in reviews.
- CCPH will develop and support a culture that values high ethical awareness and standards.
- CCPH will be a leader in the field of public health for its efforts in organizational ethics.

Composition

The Committee will have representation from a diverse cross-section of the community, and will include participation by the CCPH Leadership Team, staff, and management. There will also be participation from the Clark County Prosecuting Attorney's Office. The Committee uses the Public Health Code of Ethics as a framework for conducting ethical analyses.

Additional stakeholders will be invited to participate in ethical analyses to ensure inclusivity and transparency of process. When appropriate, the Committee may also invite non-stakeholders, such as content experts, to participate. All members will have the responsibility of bringing ethical issues to the Committee.

Committee members will ensure that managers and other staff with key information will be involved in determining whether to move forward with a full ethical analysis.

Developing Recommendations

Upon completion of discussions on a reviewed topic, the Committee will recommend a course of action based on its ethical analysis to the CCPH Leadership Team. The Leadership Team will respect and give strong consideration to Committee recommendations, although Leadership reserves the right to

respectfully disagree with these recommendations. Should leadership disagree, they will communicate to the Committee the rationale for so doing.

Once an ethical analysis has been completed, the Committee will submit a recommended course of action to CCPH Leadership Team. This recommendation will be supported with the results of the analysis and, therefore, will carry a high level of influence. However, it is ultimately the responsibility of CCPH Leadership Team to make the final policy decision and determine how to implement their decision(s).

This Charter currently addresses ethical reviews related specifically to Clark County Public Health policies and operations. In the future if other regional partners adopt the ethical analysis charter and framework, recommendations based on the ethical analysis will go to the appropriate decision making body.

Roles and Responsibilities

Facilitator

Organize, facilitate, and schedule meetings. Ensure that all members of the Committee have input and are equally valued.

Prosecuting Attorney

Provide the Committee with guidance regarding legal considerations and limitations.

CCPH Leadership

Act as a liaison to the CCPH Leadership Team and supplement training, and provide an understanding of departmental vision and direction.

Committee Members

Actively participate in trainings, ethical analyses, and team meetings. Committee members should also be willing to facilitate ethical analyses, model ethical standards, and contribute to the Committee's education and learning.

Note: Ethical analyses may also be facilitated by non-Committee members if they have met training criteria and have been authorized to do so by the Committee.

Ground Rules

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

- Committee members will respect decisions made when they are absent but may ask for reconsideration if they have strong objections.

Existing Assumptions

- No additional resource allocations are available to the Committee.
- CCPH Leadership Team will respect and give strong consideration to Committee recommendations.
- Results of ethical analyses, including CCPH Leadership Team decisions, will be communicated back to all participants.

Meeting Schedule

The Ethics Review Committee will convene triannually, with ad hoc meetings held if an ethical issue cannot wait, or for continuing analysis of a case.

Executive Board

An Executive Board will conduct the administrative functions of the ethical analyses. The Board screens and prepares cases that will allow us to best use the time and efforts of external Committee participants. Duties include:

- Arrange continuing education and training;
- Review suggested ethical dilemmas and determine if they are appropriate for analysis;
- Prepare reports describing analyses outcomes and recommendations (reports will include all perspectives from the analysis);
- Coordinate reporting of ethical analyses, recommendations, and results back to the Committee.

The Executive Board will consist of a Chair, Vice Chair, and four At-Large members – (the other CCPH members who also participate in the Committee). The Health Director will be considered a Subject Matter Expert, and may be consulted as needed.

Quorum for decisions and Topic Request screening requires four Executive Board members to be in attendance, including either the Chair or Vice-Chair. The Executive Board will be expected to meet every other month and additionally as needed.

Topic Requests

In the interest of transparency and diligence in service to the community, anybody may put a topic of ethical concern forth to CCPH. There are two avenues for this:

- A fillable form on the CCPH website that sends output to ethics.ph@clark.wa.gov
- An email sent to ethics.ph@clark.wa.gov with pertinent information

Topic Screening

The Executive Board will:

- Screen suggestions and submissions, and keep a record of having done so. This will be a standing item at the bi-monthly Executive Board meetings (if there are requests to review).
- Develop selection criteria and baseline considerations for screening requests.
- Keep a record of all meetings, including who was present, what decisions were made and for which criteria-based reasons.

Topic screening outcomes include:

- No further action required
- Does not require Committee review, and will be referred appropriately
- Will be brought to the Committee for review
- Held for screening at a later meeting (typically because of time or informational needs)

Framework for Conducting Ethical Analyses

Background

The Clark County Public Health (CCPH) Ethics Review Committee will use this framework to guide ethical analyses of public health issues in Clark 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 discussions that involve listening, understanding others' perspectives, and expressing and challenging each other's reasons. The Public Health Ethics Review Committee will act with transparency and accountability to ensure a fair process.

Definitions

- Ethics – the study of or deliberation about:
 - what choices CCPH should make and why, and
 - what moral norms should guide CCPH 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 – guides for 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 the community and is not specific to the Clark County Public Health department or its partners
- Public health action – refers to an action initiated or implemented by Clark County Public Health

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

Identify moral norms, general moral considerations, and ethical principles that may provide guidance about what to do

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. Provide justification for a particular public health action

Present sufficient grounds or reasons for a course of action based on moral norms, ethical principles, professional codes, and previous cases

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?

Public Health Code of Ethics

- 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 and work for the empowerment of disenfranchised community members, aiming to ensure that the basic resources and conditions necessary for health are accessible to 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 consent 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.

References and additional resources:

APHA Public Health Leadership Society. *Principles of the Ethical Practice of Public Health*, 2002.
https://www.apha.org/-/media/files/pdf/membergroups/ethics/ethics_brochure.ashx

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CDC. *Public Health Ethics Resources*. <https://www.cdc.gov/od/science/integrity/phethics/resources.htm>

CDC. *Public Health Ethics Training Materials*.
<https://www.cdc.gov/od/science/integrity/phethics/trainingmaterials.htm>

CDC. Public Health Law Program. <https://www.cdc.gov/phlp/index.html>

NACCHO. *Public Health Ethics*. <http://www.naccho.org/programs/public-health-infrastructure/ethics>