

Framework for Ethical Analysis

Clark County Public Health Ethics Committee

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Background

The Clark County Public Health Ethics 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 Ethics Committee will act with transparency and accountability to ensure a fair process.

Process

The Clark County Public Health Ethics Committee is an employee-led group 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; and
- Providing a process of open and transparent decision making.

The Committee will have representation from CCPH (Clark County Public Health) Leadership, staff, and management. An attorney from the Prosecuting Attorney's Office will also participate. The Committee will use the Public Health Code of Ethics as a framework for conducting ethical analyses.

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

Once an ethical analysis is complete, the Committee will submit a recommended course of action to CCPH Leadership. 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 to make the final policy decision and determine how to implement their decision(s).

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 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?

Clark County Public Health Values

Vision

Active, healthy families and people of all ages, abilities, and cultures living, playing, and working in thriving communities.

Mission

Our mission is your good health. Together we:

- Prevent disease and injury
- Promote healthier choices
- Protect food, water, and air
- Prepare for emergencies.

Values

- **Prevention and promotion.** Strategies that prevent disease and promote healthy living in healthy environments lead to long term benefits for everyone.
- **Collaboration.** Community partnerships produce well-supported and cost-effective health outcomes by bringing people, resources, and organizations together.
- **Data-driven, science-based services.** Effective public health interventions depend on the best and most up-to-date research and information available.
- **Social justice and diversity.** A healthy community recognizes that everyone's health matters equally, and that services and solutions must be accessible, affordable, and appropriate for all.
- **Customer service and accountability.** As vigilant stewards of the public's trust, we provide services that are responsive and accountable to the community's needs.
- **Skilled and innovative employees.** A well-trained, dedicated and creative workforce is the foundation of our ability to assess and address the health of the community.

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:

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

Bernheim RG, Nieburg P, Bonnie 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. <http://www2.cdc.gov/phlp/phl101/>

Bernheim RG, Melnick AL. Principled Leadership in Public Health. Journal of Public Health Management and Practice, 2008, 14(4), 358-66.