

Public Health Ethics

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The NIDA Sponsored Fordham University HIV and Drug Abuse
Prevention Research Ethics Institute
July 9 - 15, 2019, New York City

Definition of Public Health (IOM, 1988)

- **“Public health is what we, as a society, do collectively to assure the conditions in which people can be healthy.”**
- Promotion of health and prevention of disease and disability
- Use of epidemiological data, population surveillance, multidimensional analyses of biological, behavioral, social and environmental factors to develop effective interventions

APHA 10 Essential Public Health Services

1. **Monitor** health status to identify community health problems.
2. **Diagnose and investigate** health problems and health hazards in the community.
3. **Inform, educate, and empower** people about health issues.
4. **Mobilize** community partnerships to identify and solve health problems.
5. **Develop policies and plans** that support individual and community health efforts.
6. **Enforce** laws and regulations that protect health and ensure safety.
7. **Link** people to needed personal health services and assure the provision of health care when otherwise unavailable.
8. **Assure** a competent public health and personal healthcare workforce.
9. **Evaluate** effectiveness, accessibility, and quality of personal and population-based health services.
10. **Research** for new insights and innovative solutions to health problems.

Difference Between Public Health and Medicine

Primary aim

- Medicine: Treat and cure individual patients
- PH: Understand, prevent and ameliorate causes of disease and disability in the population

Core Relationship

- Medicine: Patient-physician in treatment of patient
- PH: Other professionals, community members and government agencies in development, implementation and assessment of interventions

Focus

- Medicine: Biological bases of disease
- PH: Fundamental social conditions that affect population levels of morbidity and mortality.

Public Health & Government Sanctioned Paternalism

Public health policies require obligations or restrictions on individuals implemented through government regulation, taxation, or expenditure of public funds grounded in police powers or gov't sanctions

- Childhood vaccines for public school attendance
- Taxation on cigarettes
- Speeding laws
- Quarantine for suspected Ebola
- Requiring drug testing and treatment for individuals receiving public assistance
- NIH funding initiatives – HIV vaccine, heart disease, precision medicine, gun violence, drug use

Central Ethical Dilemmas

To balance

- Respect for individual liberty and equitable distribution of health benefits and burdens
- Against the responsibility of governments to protect the public health
- Freedom is life in the absence of arbitrary power and relationships of mutuality and reciprocity, respect diversity in our modern day pluralistic society (B. Jennings)

HIV Screening Policy: Autonomy & Justice

The state collects and records private information in disease registries about individuals identified at HIV risk (PWHD, MSM) in order to allocate and provide access to resources for appropriate prevention and treatment services to the public

- Is it Voluntary or Mandatory?
- Is it Universal or Selective?
- How is the policy similar to or distinct from other infectious diseases involving other populations?

Ethical Decision-Making

What conditions are necessary to justify a policy that protects public health (beneficence) against violations of individual autonomy and inequitable distribution of benefits and burdens?

Effectiveness

- A policy that infringes on a moral consideration but has little chance of realizing its goal is unjustified (Childress et al, 2002)
- Is it reasonable to expect, based on best available evidence and past experience, that the proposed action would achieve its stated health goals? (APHA ECTF)

Proportionality

- Public health benefits must outweigh the infringed upon moral consideration (Childress et al., 2002)
- Would the proposed action demonstrate that public health professionals are using their power and authority judiciously and with humility? (APHA ECTF)

Necessity

- **Necessity.** Not all effective and proportionate policies are necessary to realize the public health goal. The fact that a policy infringes upon a moral consideration provides a strong moral reason to seek an alternative. (e.g. a policy that provides incentives for people with an infectious disease to complete treatment has priority over forcible detainment) (Childress et al, 2002)
- **Permissibility :** Would the action being considered be ethically wrong even if it had a good outcome? *Deontology: The rightness or wrongness of an act comes from the character of the act itself, rather than the outcome of the action.(APHA ECTF)*

RESPECTING INDIVIDUAL AUTONOMY AND LIBERTY OF ACTION

- **Least infringement.** Even when a policy is effective, proportionate and essential public health agents should seek to minimize the infringement of moral considerations. The least restrictive policy should be sought—minimal necessary disclosure if confidentiality needs to be broken (e.g. STI reporting)
- **Reciprocity :** Would the proposed action be demeaning or disrespectful to individuals and communities even if it benefited their health?

PROCEDURAL JUSTICE

- **Public Justification.** When PH agents believe that one of their actions, practice or policies infringes one individual rights or may create social inequities—they need to explain and justify that infringement, whenever possible to the the relevant parties including those affected by the infringement.
- **Public Participation:** In deciding on a proposed action have all potentially affected stakeholders had a meaningful opportunity to participate, and if not is there ethical justification for not involving them?
- **Accountability and Transparency:** Would the proposed action withstand close ethical scrutiny and be justified by valid reasons that the general public will understand?

Reducing HIV Risk Among South African AGYW (C. Bonner)

In South Africa adolescent girls are at high risk of HIV. However, sex before 16 years old is an illegal reportable offense and unmarried sexual behavior stigmatized.

- Is the infringement on liberty intrinsic to this law balanced by reduction of HIV in the general public? Other PH goods?
- *Is stigmatization of sexual behavior an ethical means of addressing a public health problem?*
- Does such a policy promote health equity? What ethical dilemmas do researchers face who are assessing HIV risk interventions within the context of these laws?

Partner Agreement for HIV Prevention and Treatment (V. Fonner)

The Dyadic Study is enrolling 60 heterosexual serodiscordant couples in Kisarawe, Tanzania offering access to PrEP for HIV-negative partners and antiretroviral therapy (ART) to HIV-positive partners. If the research demonstrates program efficacy what are ethical challenges facing public health implementation?

- Should HIV negative persons be required to involve their sero-positive partner in treatment in order to receive PrEP?
- Should PLWH be required to involve or be required to inform their sero-negative partner of their HIV status in order to receive treatment?
- Should either partner be required to obtain written consent from the other to receive preventive or HIV treatment?
- *Should the gender/power differentials play a role in these decisions?*

mHealth HIV & Substance Use Prevention (R.Hubach)

Once research establishes that mHealth is effective in reducing HIV risk (reminder to take PreP, daily educational messages) or substance use (alerts when entering contexts associated with cravings/drug purchases) it may be adopted by Medicaid as a means of protecting public health.

- What are the risks to individual privacy and liberty if these tools are adopted?
- What are the social justice issues that arise?
- Is there a way to implement these interventions that reduce HIV and substance use without jeopardizing the rights or welfare of Medicaid recipients?

Substance Use Treatment Programs linked to Juvenile Justice Parole (S. Ryan)

Researchers often work with the juvenile criminal justice system to develop and assess family-centered effective substance use treatment programs for these youth.

- Once these programs are shown to be effective, what are the public health ethics implications for probation offices adopting these programs?
- Should program adherence be a requirement for probation?
- Should guardians be legally responsible and at legal risk if they do not participate in the program?
- What are social justice issues if the majority of those who will participate are members of ethnic minorities or living in economically disadvantaged neighborhoods?

Programs to Reduce HIV for Victims of GBV (A. Servin)

Studies conducted in Mexico testing the effectiveness of interventions designed to reduced HIV and unintended pregnancy among adolescent female victims of gender-based violence may be adopted by the government.

- How are the public health ethical challenges to these girls similar or different from the ethical issues tied to conducting the research?
- What if the government requires evidence of GBV in order for girls to qualify for the program?
- What if the government sees such an approach as a means of identifying gang members?

