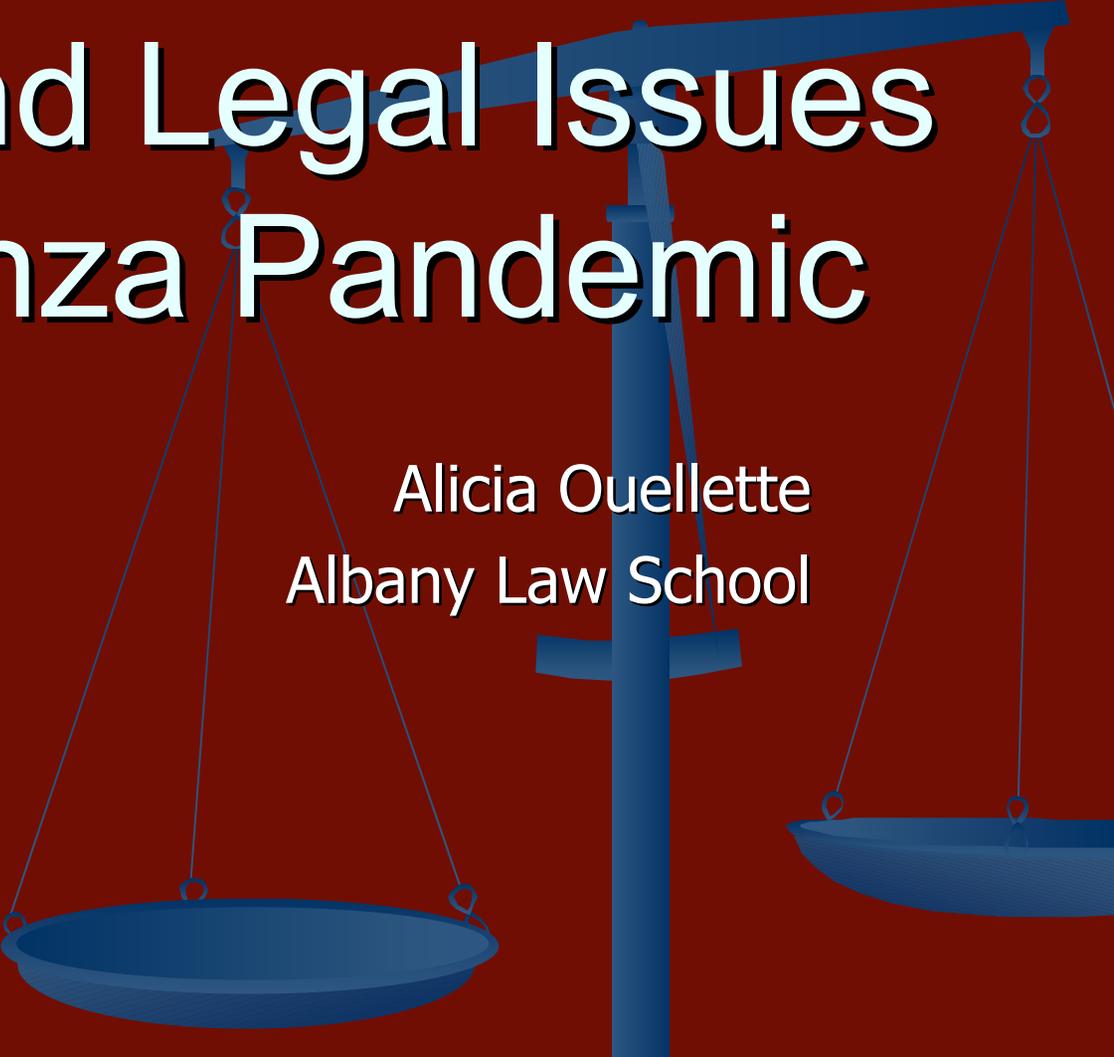


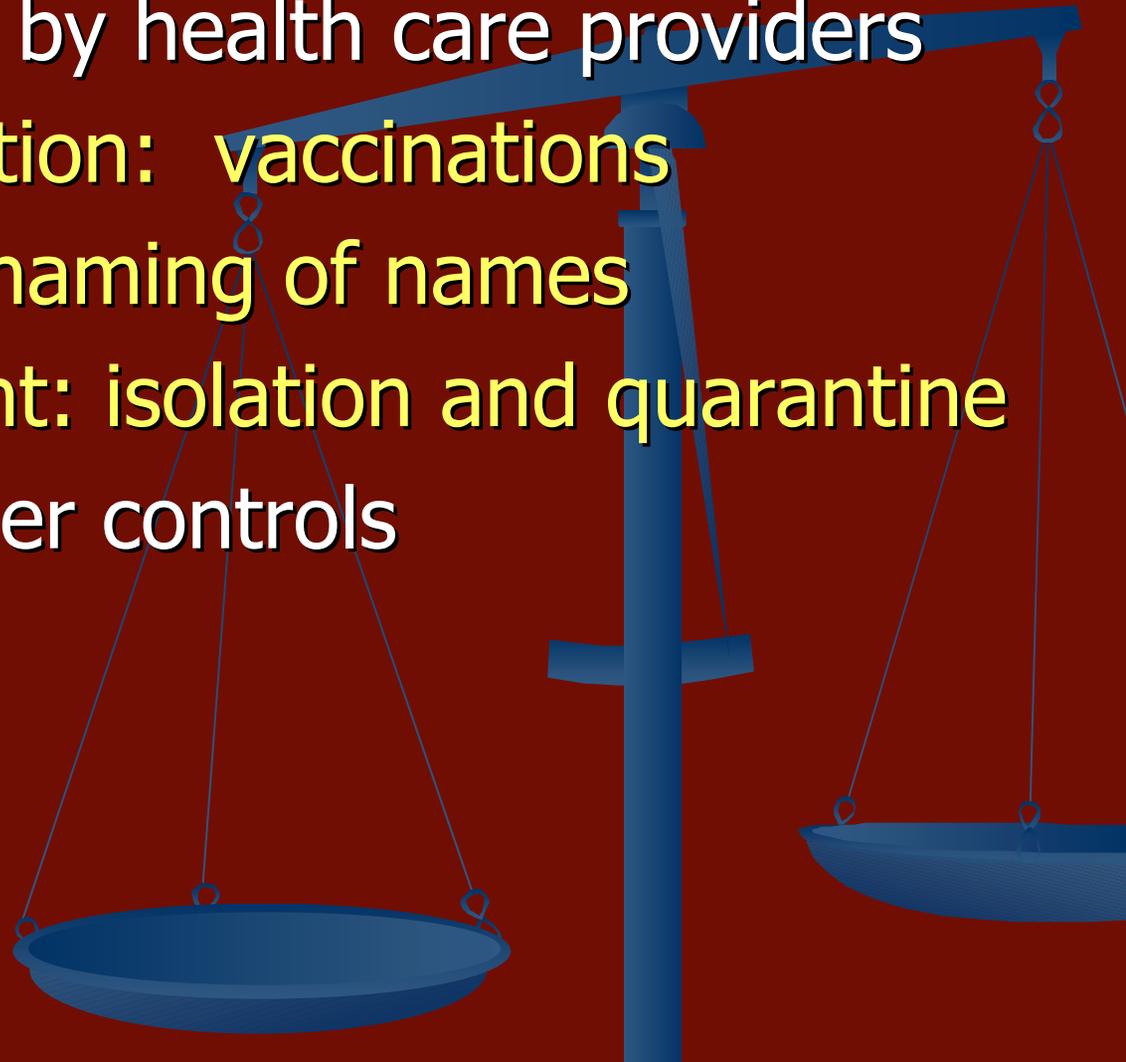
Ethical and Legal Issues in Influenza Pandemic



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Five (of many more) issues

- Hazardous duty by health care providers
- Resource allocation: vaccinations
- Identification: naming of names
- Civil confinement: isolation and quarantine
- Travel and border controls



Competing values

PUBLIC GOOD

-versus-

Utility

Justice

INDIVIDUAL RIGHTS

Professionalism

Nonmaleficence

Beneficence

Efficiency



Public good

- Health and safety
 - Individual patients
 - Public at large
 - Health care providers
 - Vulnerable populations
- Integrity of process



Individual rights

- Privacy
- Autonomy
- Bodily integrity
- Liberty interests
- Equity
- Travel



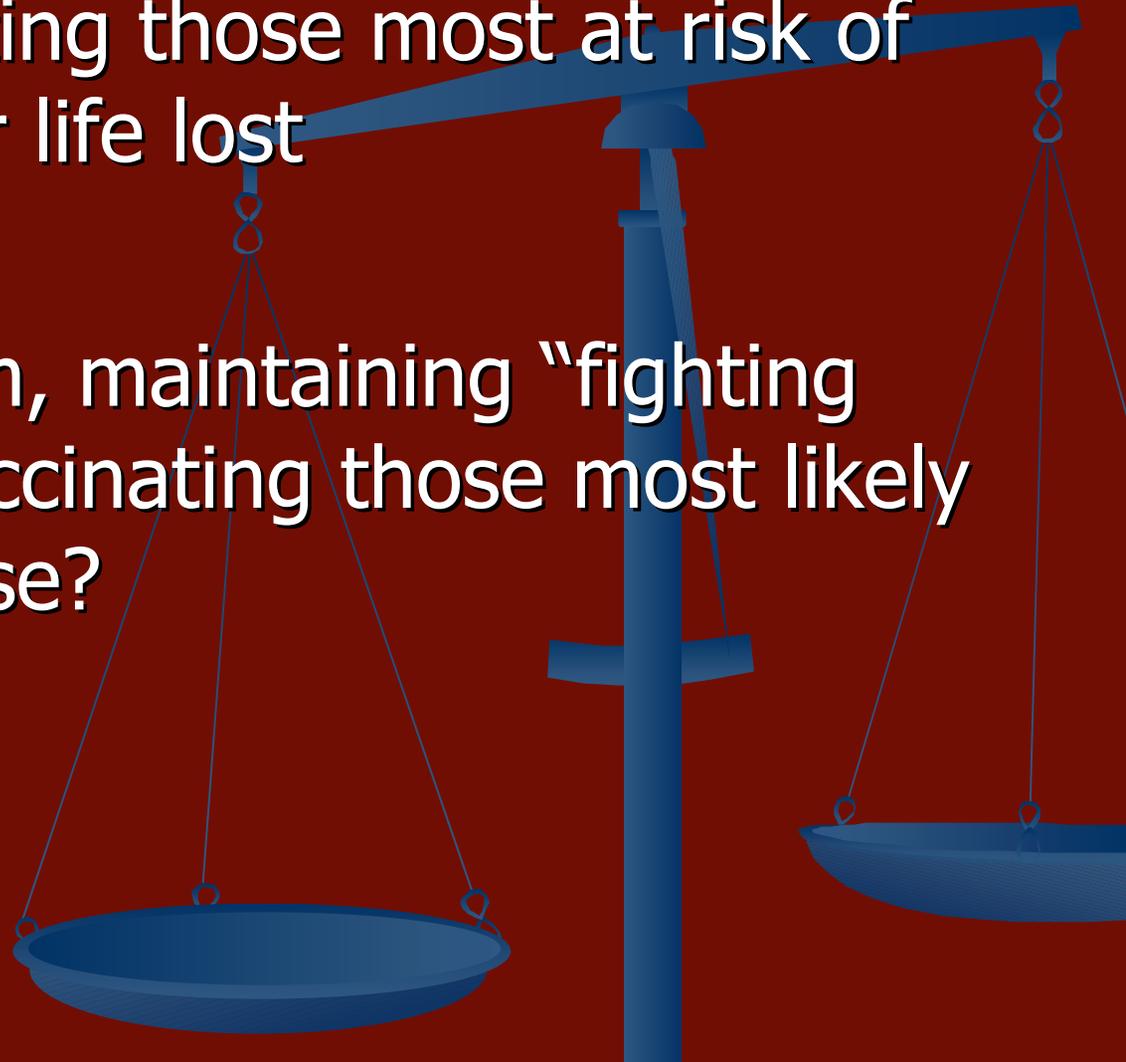
Allocation of vaccines: criteria for prioritization

- Historically, priority is individuals at high risk
 - of hospitalization
 - Risk of death
- Beneficence-based commitment (promote good and remove harm) – likelihood of medical benefit
- Utility-based commitment



Triage and vaccine prioritization

- Are we vaccinating those most at risk of severe illness or life lost
- OR
- Preventing harm, maintaining “fighting strength” by vaccinating those most likely to spread disease?

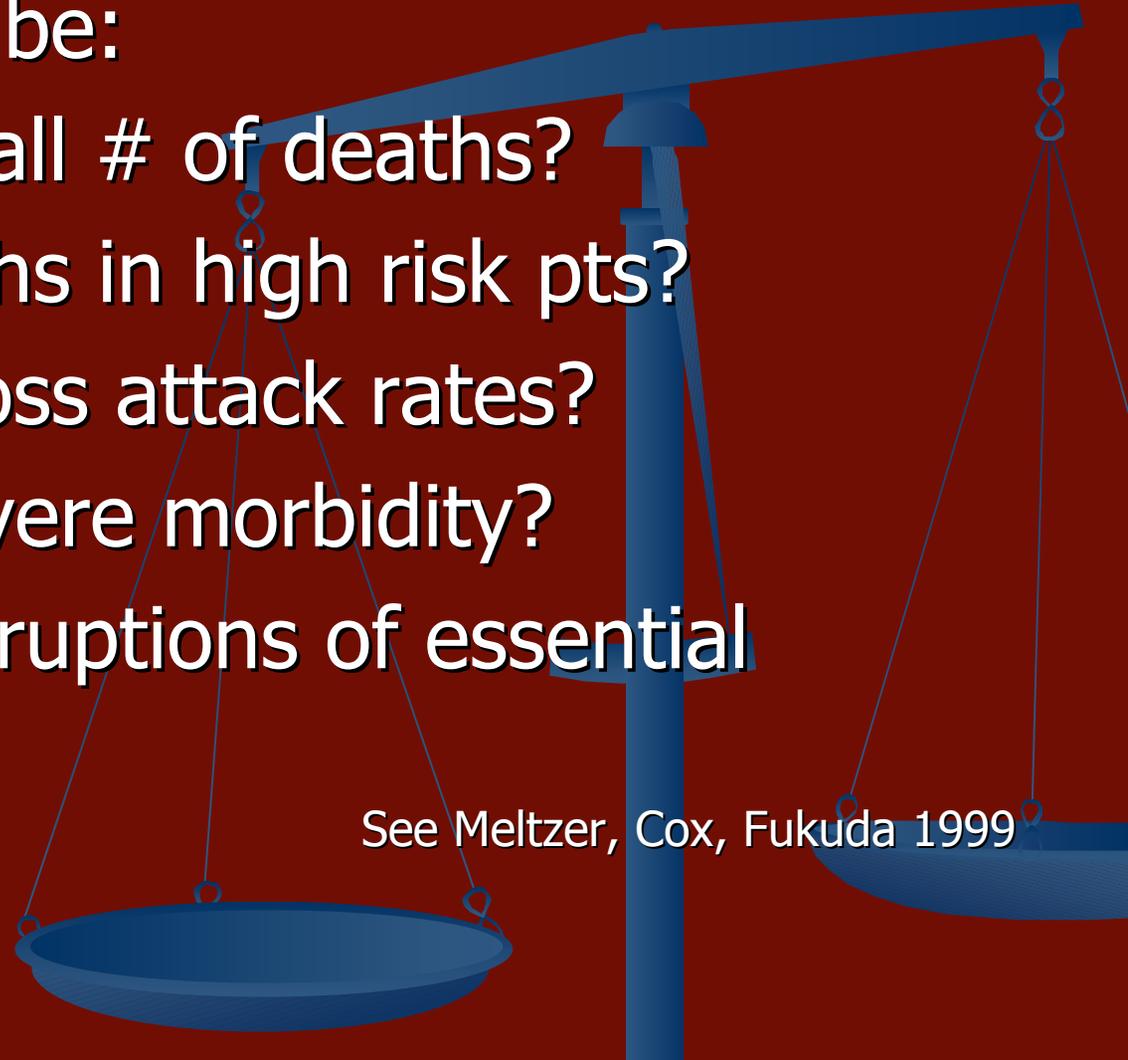


Objectives for pandemic vaccination

Will Primary Goal be:

- to prevent overall # of deaths?
- to prevent deaths in high risk pts?
- To decrease gross attack rates?
- To decrease severe morbidity?
- To decrease disruptions of essential services?

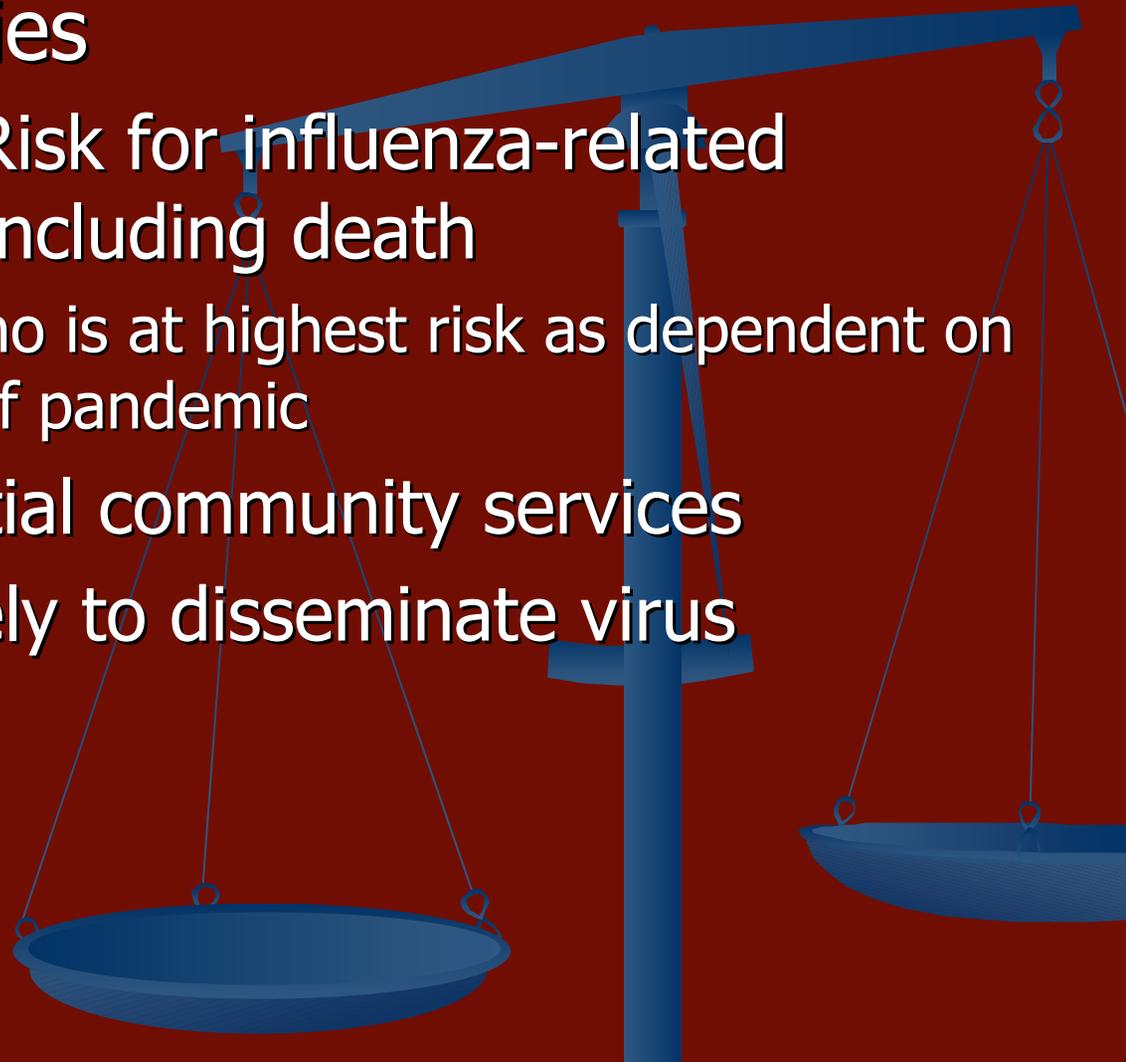
See Meltzer, Cox, Fukuda 1999



Prioritization of limited vaccine

■ Varying Strategies

- Those at High Risk for influenza-related complications, including death
 - determining who is at highest risk as dependent on epidemiology of pandemic
- Those in essential community services
- Those most likely to disseminate virus



Identification: Surveillance and Contact Tracing

- Reporting cases essential public health strategy
- Tension with claims of privacy
- Economic impact of reporting for geographic and ethnic communities



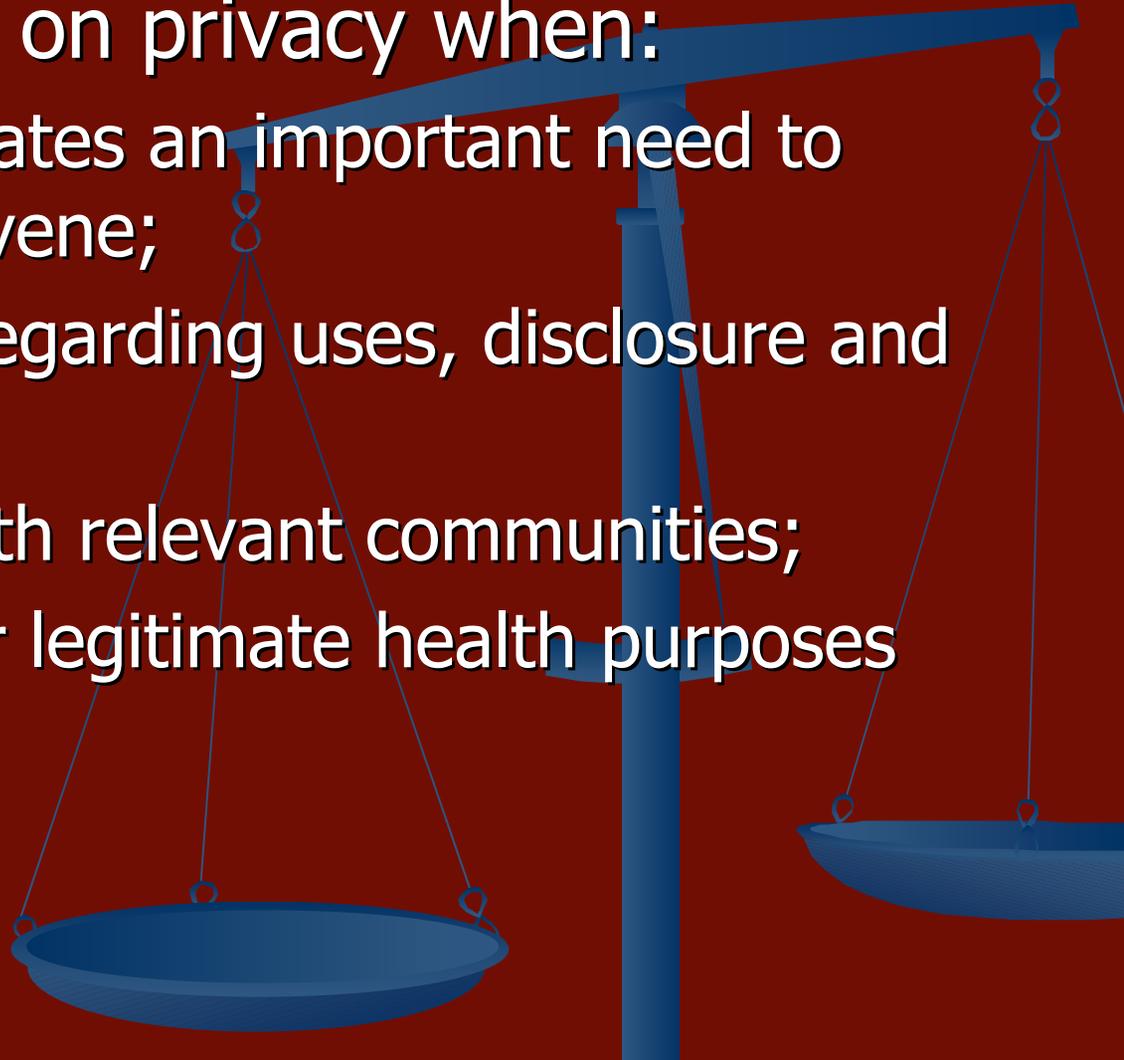
Identification: Surveillance and Contact Tracing

- Appropriate policy depends on scale of epidemic



Name-based identification

- Acceptable limit on privacy when:
 - State demonstrates an important need to know and intervene;
 - Transparency regarding uses, disclosure and harm;
 - Consultation with relevant communities;
 - Data is used for legitimate health purposes only.



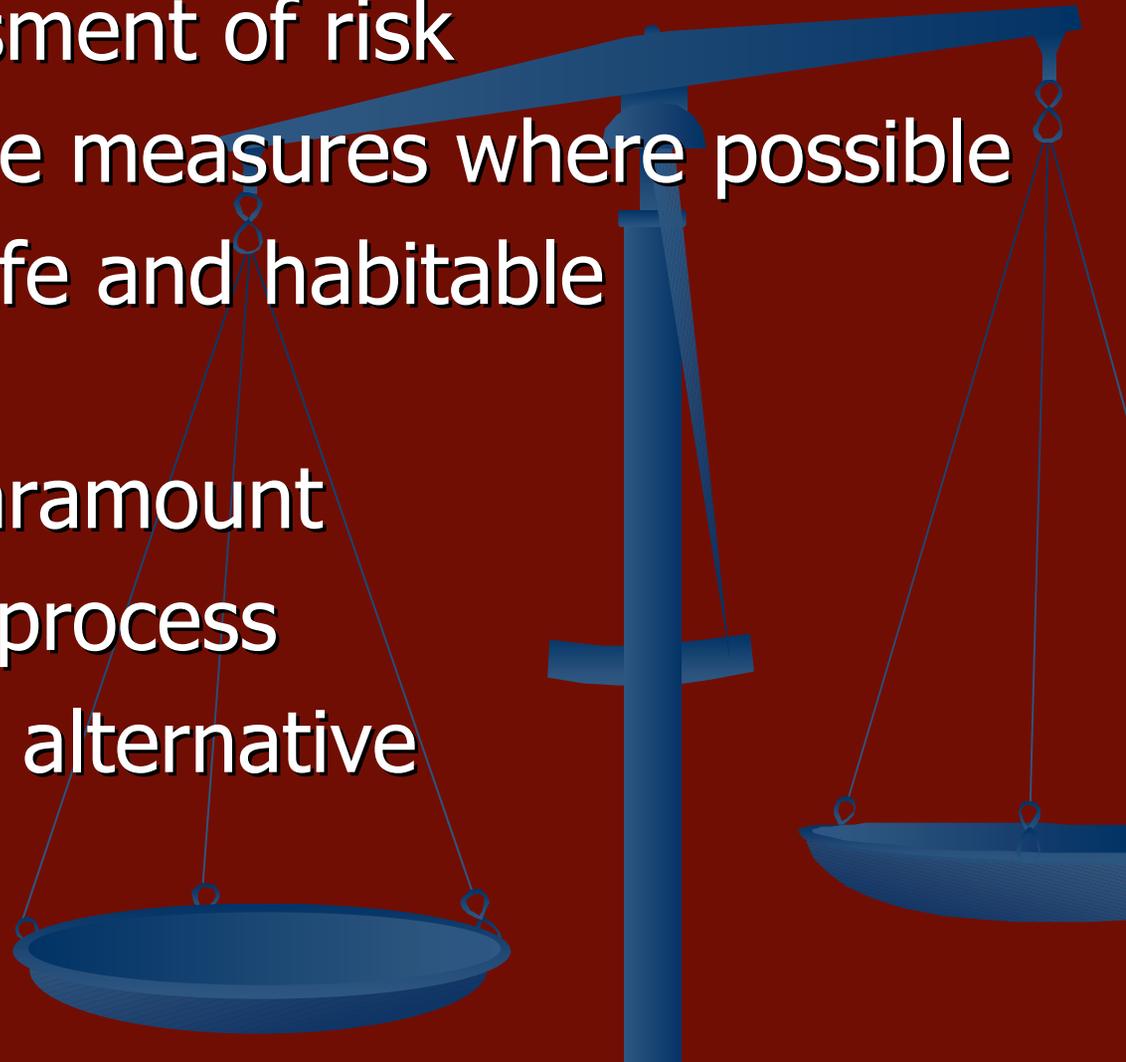
Isolation and Quarantine

- Legal and ethical to avert significant risks of transmission
- Significant issues:
 - Loss of liberty
 - Social and economic harm
 - Potential for discrimination



Isolation and Quarantine Policies

- Scientific assessment of risk
- Target restrictive measures where possible
- Must provide safe and habitable environment
- Social justice paramount
- Procedural due process
- Least restrictive alternative



Bounding Precaution

- Safeguarding individual rights
- Least intrusive alternative
- Fairness and justice
- Transparency



Balancing Precaution, Rights, Justice, and Transparency

- Use voluntary means where possible.
- Mandatory measures only where necessary.
- Elicit voluntary cooperation through information, solicitation, and collaboration.

