



Coronavirus COVID-19

BC Centre for Disease Control | BC Ministry of Health



COVID-19 Ethical Decision-Making Framework

Provincial COVID-19 Task Force

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Ministry of
Health



BC Centre for Disease Control

If you have fever, a new cough, or are having difficulty breathing, call 8-1-1.



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Introduction

During a public health event, unknown and sometimes unpredictable variables may influence unfolding events throughout the duration of the episode. The BC health system's stated aim is to stay within the principles and values of the *COVID-19 Ethical Decision-Making Framework Interim Guidance* to foster transparent leadership, sound ethical Decision-Making (policy, direction, and resource allocation), and partnership across stakeholders geared towards providing consistent public information.

Public health ethics involves a systematic process to clarify, prioritize, and justify possible courses of public health action based on ethical principles, values and beliefs of stakeholders, and scientific and other information. While clinical ethics focuses on the health and interests of the individual patient, public health ethics considers the health and interests of a population, informing public health actions and decisions.

Similarly, public health ethics, especially with respect to pandemics or outbreaks, has a different focus than traditional clinical ethics. The two central dilemmas in public health ethics are:

- 1) To what degree is it justifiable for a state to intervene on privacy and personal liberties of individuals in the name of the greater good of the broader population?
- 2) If there are inadequate resources to adequately respond to each individual patient's medical needs, how should resource allocation decisions be made to best serve the greater population?

A disease outbreak, such as COVID-19, can lead to an extreme public health crisis where the health and safety of the population is at risk. In recognition of this risk, it is crucial to weigh the respecting of individual rights and freedoms while attempting to satisfy the needs of and protecting the broader public.

The needs of the community may outweigh the needs of individuals in such crises; personal rights and freedoms must sometimes be constrained. Any infringements on personal rights and freedoms must be carefully considered, and the least restrictive or coercive means must be sought.

In a pandemic, there are resource constraints, such as anticipated in a COVID-19 outbreak, allocation responses will aim to maximize effective use of scarce resources, such as critical supplies (like Personal Protective Equipment), and human resources.

This ethical decision-making framework, and underlying principles and values provides an interim process to support healthcare organizations and teams to make these challenging decisions in a COVID-19 outbreak.

This framework aims to ensure ethically defensible decision-making to:

1. Serve as a transparent guide for ethical decision-making before, during, and after the pandemic
2. Encourage integration of shared values into health care practices, treatment and funding

decisions

3. Contribute to improved health outcomes and service delivery, and maximize human and financial resources
4. Increase public awareness of and confidence in policy making decision processes
5. Increase public awareness and preparedness for a communicable disease pandemic

This framework does not provide detailed instructions for responding to ethical dilemmas on a case-by-case basis. Instead, it identifies the ethical principles and values that should guide ethical decision-making, strategies, and processes. Health authorities are encouraged to use this provincial framework, and consult with their local Ethics Service, to inform communicable disease pandemic planning and response activities, as well as any applicable health authority framework.

Ethical Principles & Values

In developing these ethical guidelines for Decision-Making, these principles and values are drawn from previous pandemic ethical frameworks and literature in BC and Canada. COVID-19 is a potential public health crisis, and therefore broader community-focused public health ethics form a critical component of the overall guidelines.

The ethical principles and values presented below are not ranked because, as per the Ethical Decision-Making Process below, they will need to be specified and prioritized in the context of the specific ethical issues they are used to address. In some circumstances, value-trade-offs will have to be made when it is not possible to uphold all values. In these situations, it will be important to justify these trade-offs and prioritizations.

The key ethical principles and values that underpin this framework are:

- **Respect:** To whatever extent possible, individual autonomy, individual liberties, and cultural safety must be respected. This means respect for privacy and confidentiality, and an obligation on behalf of leaders and care providers to be truthful and honest to individuals affected.
- **The Harm Principle:** A society has a right to protect itself from harm, real or threatened. The government is justified in intervening and possibly impinging on the rights of individuals to protect the community from harm.
- **Fairness:** Everyone matters equally but not everyone may be treated the same. There are three competing forces in fair delivery of care and services that must be balanced. Persons ought to have equal access to health care resources (*equality*), however:
 - Those who most need and can derive the greatest benefit from resources ought to be offered resources preferentially (*equity*), and
 - Resources ought to be distributed such that the maximum benefits to the greatest number will be achieved (*utility*, and *efficiency*) and
 - Resource allocation decisions must be made with *consistency* in application across populations and among individuals regardless of their human condition (e.g. race, age,

disability, ethnicity, ability to pay, socioeconomic status, pre-existing health conditions, social worth, perceived obstacles to treatment, past use of resources).

- **Least Coercive and Restrictive Means:** Any infringements on personal rights and freedoms must be carefully considered, and the least restrictive or coercive means must be sought.
- **Working together:** Cooperation is essential to this international threat – between individual citizens, health regions, provinces, and nations.
- **Reciprocity:** If people are asked to take increased risks, or face increased/disproportionate burdens during a pandemic influenza, they should be supported in doing so, and the risks and burdens should be minimized as far as possible.
- **Proportionality:** Measures implemented, especially restrictive ones, should be proportionate to and commensurate with the level of threat and risk.
- **Flexibility:** any plan must be iterative and adapted to new knowledge that arises.
- **Procedural Justice:** There will be accountability to a fair and transparent process throughout the planning and implementation of managing COVID-19.
 - *Openness and transparency:* Any planning, any policy, and any actions deriving from such policies, must be transparent and open to stakeholder input as well as available to public inspection. All plans and all decisions must be made with an appeal to reasons that are mutually agreed upon and work toward collaboratively derived goals.
 - *Inclusiveness:* This means that those making decisions should:
 - Involve people to the greatest extent possible in aspects of planning that affect them.
 - Decision makers should take into account all relevant views expressed.
 - Work to make sure that particular groups are not excluded from becoming involved. Some people may find it harder to access communications or services than others, and decision-makers should consider how they can express their views and have a fair opportunity to get their needs for treatment or care met.
 - Take into account any disproportionate impact of the decision on particular groups of people.
 - *Accountability:* This means that those responsible for making decisions may have to justify the decisions that they do or do not make.
 - *Reasonableness:* This means that decisions should be:
 - Rational
 - Not arbitrary or based on emotional reactivity
 - Based on appropriate evidence, available at the time
 - The result of an appropriate process, taking into account how quickly a decision has to be made and the circumstances in which a decision is made
 - Practical - have a reasonable chance of being feasible to implement and to achieve their stated goals

Ethical Decision-Making Process

The following is a simplified ethical Decision-Making process:

1. Define the Issue

- What is the issue or problem? This question begins the very important process of reaching consensus about what the issue actually is.

2. Clarify the Facts as much as Possible

- What are the established facts of the issue? (i.e. The Who, What, When, Where, Why, and How?)
- What we do not know?
- What are the relevant factors?

3. Identify Stakeholders and their Perspectives

- Who is affected by this decision?
- How does each stakeholder see this issue and what is motivating their perspective?

4. Identify and Analyze the Principles and Values

- What are the principles and values pertaining to this decision?
- Determine principle and value conflicts: What values are being affirmed? What values are being negated?
- Identify and prioritize the principles and values that will be upheld

5. Identify Alternative Courses of Action in Light of the Values

- What are all of the options (including doing nothing)?
- What are the pros and cons of each option (including intended and unintended consequences) - as measured against the prioritized values?

6. Make a Decision

- Which option best fulfills the principles and values identified?
- Are there contingency plans in case the decision does not have the intended outcomes, or creates possible conflicts?

7. Implement the Decision

- Who will implement the decision? How and when will the decision be communicated to all stakeholders?
- What process and criteria for measuring will be used to evaluate the decision and outcome?

8. Review and Document the Decision

- Who will be responsible for documenting, following-up and maintaining the decision?
- How will the decision be effectively communicated to all relevant stakeholders?

Checklist of Values for Evaluating Options and Articulating a Decision

This is a tool for analyzing a draft solution against key values in the context of a pandemic, and for improving the solution to better live up to these values. The prioritized values are drawn from previous public health ethics work done in BC, from the Ebola and Pandemic Flu contexts.

Step 1: Name the question or COVID-19 related issue you are trying to address.

Question/issue _____?

Step 2: Review the list of values and build a solution that tries to live up to those values.

Solution _____

Step 3: Review the proposed solution against the listed values below. Complete the 'YES', 'NO', 'ONLY IF' and 'N/A' columns.

Step 4: Check to see whether the solution meets higher-ranking values over lower-ranking values.

- a. If it does, go to Step 5.
- b. If it does not, revise the solution to ensure the higher-ranking values are met and then go to Step 5.

Step 5: Check to see whether the solution lives up to all of the core values.

- a. If it does, congratulations, and move forward!
- b. If it does not, revise the solution to ensure as many of the core values are met as possible, then go to Step 6.

Step 6: If any of the core values remain unmet, articulate which of these are unmet and why it is important to move forward even though we cannot live up to our core values in this case.

Step 7: Articulate your final decision and rationale and then implement your decision.

Priority	Value Theme	Does the proposed solution...	YES	NO	Only if...	N/A
1	Public safety	Minimize the net harm to the public, (including through the spread of disease, disruption to essential activities and services, etc.)				
1	Care Provider Safety, Well-Being and	Minimize risk to the affected health care providers of other harms to their health and wellbeing, including managing moral distress				

Priority	Value Theme	Does the proposed solution...	YES	NO	Only if...	N/A
1	Sustainability (Reciprocity)	Minimize risk to affected health care providers of being exposed to COVID-19				
1		Expose as few people as possible to patients with COVID-19 symptoms				
1	Justified Decision-Making	Align with and have the support of decisions provincially and federally				
1		Reflect the best available evidence and ensure assumptions made are well grounded and defensible				
1		Live up to the established core values for COVID-19 planning and management, consistent with other decisions we have made				
1	Proportionate Restriction	Minimize restriction or coercion as much as possible, commensurate with the level of risk to broader wellbeing				
1	Fair Accountability, Respect for patients and families	Enable messages sent from the province/health authority to be clear and consistent and provide reasons why the decision has been made				
1	Equity, Respect for patients and families	Lead to engaging patients suspected to have COVID-19 and their families in a way that is respectful and mindful of power dynamics and life circumstances				
1	Patient Wellbeing	Respect the privacy of the patient and their family				
		Minimize the turnaround time for diagnosis				
1	Trust	Enable greater trust of the province/health region by the public				
		Enable greater trust between system and staff				
2	Consistency	Align with the broad approach within the health authority, across the province and other health authorities?				
2	Duty to Care	Assist our care teams to understand their responsibility (duty) to provide care and live up to this even when it involves exposure to some risk of harm				
2	Equity	Ensure all patients who present with COVID-19 symptoms receive a consistent level of care, regardless of where they present				
2	Integrity	Enable clarity about what interventions will and will not be offered and the rationale for these decisions				
2	Justified Decision-Making	include transparency about the approach taken to all those affected by it				
2	Patient Wellbeing	Ensure patients with COVID-19 symptoms are given the best care (not necessarily treatment) possible				
		Prevent patients from coming to preventable harm while waiting for a diagnosis of their illness				
		Ensure non- COVID-19 related patients continue to receive appropriate and timely care				
3	Patient Wellbeing	Ensure decisions about care are made based on the values and beliefs of patients				
3	Respect for colleagues	Enable care providers to treat each other with kindness, care and compassion				

Priority	Value Theme	Does the proposed solution...	YES	NO	Only if...	N/A
		Enable care providers to communicate in an informed, thoughtful way				
3	Respect for patients and families	Ensure that where someone is impacted by a decision, they are given the reasons for the decision and have opportunities for responding and, where appropriate, appealing the decision through the appropriate channels				

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