

<b>POLICY AND PROCEDURE</b>	
<b>SUBJECT/TITLE:</b>	<b>Public Health Code of Ethics and Ethical Practices</b>
<b>APPLICABILITY:</b>	All employees
<b>ORIGINALLY PREPARED BY:</b>	Tracey Maloney
<b>REVISION PREPARED BY:</b>	Melissa Spears, Administrator
<b>EFFECTIVE DATE:</b>	3/6/2020
<b>HEALTH COMMISSIONER</b>	Michael E. Martin, MD
<b>REVIEW FREQUENCY:</b>	5 years
<b>BOARD APPROVAL REVISION DATE:</b>	5/13/2022
<b>REFERENCE NUMBER:</b>	G - 2

## **A. PURPOSE**

The purpose of this policy is to:

- a) Define the framework for ethical practice within the department.
- b) Adopt a public health code of ethics applicable to the department and its employees.
- c) Establish an ethics review process.
- d) Support PHAB standard 11.1.2 (version 1.5)

## **B. POLICY**

The Scioto County Health Department (SCHD) will fulfill its mission in a manner that respects the rights of individuals in the community, without discrimination. The SCHD will make every effort to make decisions and policies that are, necessary, effective, proportional provide the least infringement to all involved and can be justified to the public.

## **C. BACKGROUND**

Public health ethics involves a systematic methodology to clarify, analyze, prioritize, and justify possible public health actions based on ethical principles, values and beliefs of various stakeholders, scientific and other information, and sound public health practice. (CDC) Decisions relating to public health policy and practice should be based not only on sound scientific principles, but also on the values of those most affected. Implementation of many public health interventions requires the careful balance of prevention and liberty.

Public health ethics seeks to understand and clarify the principles and values which guide public health actions. Principles and values provide a framework for decision making and a means of justifying decisions. Because public health actions are often

undertaken by governmental public health agencies and are directed at the population level, the principles and values which guide public health can differ from those which guide actions in biology and clinical medicine (bioethics and medical ethics) which are more patient or individual-centered.

As a field of practice, public health ethics is the application of relevant principles and values to public health decision making. In applying an ethics framework, public health ethics inquiry carries out three core functions, namely 1) identifying and clarifying the ethical dilemma posed, 2) analyzing it in terms of alternative courses of action and their consequences and 3) resolving the dilemma by deciding which course of action best incorporates and balances the guiding principles and values.

Do not confuse ethical practice with legal ethics requirements. Ohio law has established an Ohio Ethics Law that applies to all public employees. This law provides a legal framework for your actions relative to your public employment (such as nepotism, public contracts, compensation, and influence).

#### **D. GLOSSARY OF TERMS**

**Public Health Ethics**- Involves a systematic methodology to clarify, analyze, prioritize and justify possible public health actions based on ethical principles, values and beliefs of various stakeholders, scientific and other information and sound public health practice.

#### **E. PROCEDURES & STANDARD OPERATING GUIDELINES**

The SCHD adopts the following Principles of Ethical Practice of Public Health that are applicable to all employees of the SCHD:

##### **Principles of the Ethical Practice of Public Health**

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.

In addition, each employee should adhere to any professional code of ethics or standard of practice that is applicable to their professional certification.

#### **GUIDELINES FOR ETHICAL PUBLIC HEALTH DECISION MAKING**

The following guidelines will be used for decision making at the SCHD. These principles should be part of any policy or practice decision making relating to a public health action. While not a formal or rigid process, these three elements should be part of the decision-making consideration.

1. Analyze Ethical Issues
  - a. What are the risks and harms of concern?
  - b. What are the public health goals?
  - c. What, if any, are the moral claims of stakeholders?

- d. Is the source or scope of legal authority in question?
- e. Are present cases relevant?
- f. Do professional codes of ethics provide guidance?
2. Evaluate the Ethical Dimensions of the Alternate Courses of Public Health Action
  - a. Utility: Does the public health action produce a balance of benefits over harms?
  - b. Justice: are the benefits and burdens distributed fairly?
  - c. Respect for individual and community interests: Does the public health action respect individual and civic roles and values?
3. Provide justification for a public health action
  - a. Effectiveness: Is the public health goal likely to be accomplished?
  - b. Proportionality: Will the probable benefits of the action outweigh the infringed moral considerations?
  - c. Necessity: Is overriding the conflicting ethical claims necessary to achieve the public health goal?
  - d. Least Infringement: Is the action the least restrictive and least intrusive to all parties?
  - e. Public Justification: Can public health offer justification that citizens, and in particular the most affected, could find acceptable in principle?

### **DECISION MAKING IN EVERYDAY PRACTICE**

Staff of the SCHD make decisions every day that affect people, programs and policies. Employees have the following expectations relative to everyday decisions making:

1. All employees will be familiar with the Scioto County Health Department, Public Health Ethical Practices Policy.
2. All employees will be familiar with any code of ethics or standards of practice for their license or professional certification.
3. All employees, to the best of their ability, will make decisions that are supported by the guidelines and standards provided in this policy.

### **RESOLUTION OF ISSUES POSING AN ETHICAL DILEMMA**

From time to time, issues will arise that pose an ethical dilemma and are not easily resolved by the individual employee. Examples may include the following:

1. Significant deviation from established policy or procedure.
2. Decisions that may result in the restriction of movement of individuals, restrictions of liberty, or revocation of a license or permit.
3. Decisions that may conflict with HIPAA, or a presumed right of privacy.
4. Decisions that may apply to groups differently, have bias, or have the appearance of discrimination.
5. Potential conflicts of interest.

When a question of conflict arises that is not easily answered by the employee, it is the employees' responsibility to discuss the issue with their supervisor in an attempt to resolve the issue. If the issue cannot be resolved with the supervisor, then the issue will be discussed the health commissioner.

An issue may be made to the Ethics Review Committee for action. A referral for review can be made by any employee or community member. Referrals shall be in writing using the form Ethics Review Committee Referral Form. The completed referral shall be submitted to the Health Commissioner who shall convene the Ethics Review Committee and place the idea on the agenda for consideration.

### **ETHICS REVIEW COMMITTEE**

The SCHD establishes an Ethics Review Committee that consist of: the Director of Environmental Health and the Director of Nursing, one (1) staff member, SCHD HIPAA Privacy Officer, and a representative of the Scioto County Prosecutors Office. The Health Commissioner or designee, shall serve as chairman.

Members of the Ethics Review Committee shall be appointed by the Health Commissioner and may be serve for an indefinite period of time. The Ethics Review Committee shall meet at the call of the chairman. The purpose of this committee will be to:

1. Assist the department in resolving any decisions that pose an ethical dilemma.
2. Review any cases brought before the committee.
3. Analyze the case.
4. Make recommendation for resolution.

The following procedure applies to the Ethics Review Committee:

1. The Ethics Review Committee will consider any referral within 30 calendar days of the receipt of the referral. The Committee may take the following actions relative to this referral:
  - a. No action.
  - b. Request further information.
  - c. Accept for review.
2. If the referral is accepted for review, the Ethics Review Committee will follow the algorithm in the Ethics Review Committee Process. Every effort will be made to provide a final recommendation within 180 days of acceptance of a referral for review.
3. The Ethics Review Committee may utilize experts outside of the SCHD in their deliberation as needed. The committee shall endeavor to collect input from all affected parties and stakeholders.
4. The final recommendation of the Ethics Review Committee is not binding and may be modified as needed by the Health Commissioner or Board of Health.
5. All recommendations for the committee will be in writing and a copy will be provided to the referring entity and the Health Commissioner. The Ethics Review Committee may also provide a copy to the Board of Health if they deem necessary.
6. All deliberations of the Ethics Review Committee will be conducted in compliance with Ohio laws and rules with respect to public records and public meeting. Every effort will be made to conduct any review with the utmost transparency.

## **DECISION MAKING AUTHORITY**

The final responsibility for decisions relative to this policy is with the Health Commissioner, unless otherwise specified by the Board of Health. Recommendations from the Ethics Review Committee are not binding and may be modified by the Health Commissioner or the Board of Health.

## **F. CITATIONS & REFERENCES**

Link to Centers of Disease Control, Public Health Ethics webpage:

<https://www.cdc.gov/od/science/integrity/phethics/>

American Public Health Association, Public Health Ethics Statement:

[https://www.apha.org/~media/files/pdf/membergroups/ethics\\_brochure.ashx](https://www.apha.org/~media/files/pdf/membergroups/ethics_brochure.ashx)

## **G. APPENDICIES & ATTACHMENTS**

Ethics Review Committee Process Workflow Diagram

Scioto County Health Department, Principles of Ethical Practice in Public Health

## **H. REFERENCE FORMS**

Ethics Committee Referral Form.



612 6<sup>TH</sup> STREET, SUITE D  
PORTSMOUTH, OH 45662  
P: 740.355.8358  
F: 740.354.8623  
SCHD@SCIOTOCOUNTY.NET  
[WWW.SCIOTOCOUNTYHEALTHDEPARTMENT.COM](http://WWW.SCIOTOCOUNTYHEALTHDEPARTMENT.COM)

## Ethics Referral Form

Ethical concerns are welcomed by the Ethics Committee. If you have any questions regarding the need for an Ethics Consult, feel free to contact the Ethics Chair person, Dr. Michael Martin, [michael.martin@sciotocounty.net](mailto:michael.martin@sciotocounty.net).

Please complete and send this referral in a sealed envelope marked –  
**Ethics Committee, Scioto County Health Department, 612 – 6<sup>th</sup> St., Suite D  
Portsmouth, OH 45662**

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Date of Request: \_\_\_\_\_

Person Requesting Consult (*print*): \_\_\_\_\_

Relationship to Resident/Employee (*please check all that apply*):

Family    Child    Sibling    Parent    Friend    Staff

Volunteer    Other \_\_\_\_\_

**Describe the ethical concern you would like reviewed:**

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Is this concern related to a Risk concern?    Yes    No

**Signature:** \_\_\_\_\_

**Thank you for your referral!**

*Disclaimer: If form is incomplete, the situation may not be able to be properly assessed. Please complete all areas.*

*The Ethics Review Committee will consider the referral within 30 days of the receipt of the referral form.*



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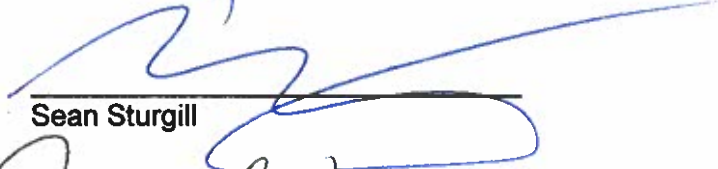
Approval of adopting the Public Health Code of Ethics and Ethical Practices, May 13, 2022.

Scioto County Board of Health

  
\_\_\_\_\_  
Laura Miller, President

  
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Christy Sherman, President Pro Temp

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Dr. Aaron Adams

  
\_\_\_\_\_  
Sean Sturgill

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Dr. Jerod Walker

  
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Dr. Michael Martin, Secretary