

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

**Health Departments, Hospitals, and Pandemic Flu:
Overlapping Ethical and Legal Questions**

Monday, June 12, 2006
4:00-5:30 pm

Moderator: Ruth Gaare Bernheim, JD, MPH, Director, Division of Public Health Policy and Practice, and Associate Director, Institute for Practical Ethics, University of Virginia, Charlottesville, VA

Panel: Robert Boyle, MD, Professor of Pediatrics, and Chair, University of Virginia Hospital Ethics Committee, Charlottesville, VA

James Childress, PhD, Director, Institute for Practical Ethics and Public Life, University of Virginia, Charlottesville, VA

Steven D. Gravely JD, Partner, Troutman Sanders LLP, Richmond, VA

Lisa Kaplowitz, MD, MSHA, Deputy Commissioner, Virginia Department of Health, Richmond, VA

Alan Melnick, MD, MPH, Health Officer, Clackamas County, Portland, OR; Member of the Council, Public Health Leadership Society, New Orleans, LA

Mark Rothstein, JD, Director, Institute for Bioethics, Health Policy and Law, University of Louisville School of Medicine, Louisville, KY

Session Purpose:

The purpose of this session is to illuminate the overlapping legal and ethical questions that hospitals, private providers, and health departments may face in allocating scarce medical resources, such as hospital ICU beds, ventilators, and medications, during emergencies such as a pandemic flu. Issues include adjusting standards of care and creating "agents of the state" with legal protections.

The goals of the session are:

- Explore the legal and ethical dimensions of creating a framework and management plan for medical triage in an emergency, particularly focusing on hospital management decisions and the relationships between hospitals and health departments in a public health emergency;

- Use ethics guides to facilitate analysis and deliberation about the needs, perspectives and interests of the various stakeholders, such as hospitals, private physicians practicing in hospitals, the local health department, and the state health department; and,
- Explore the role of hospital ethics committees in hospital organizational planning and in future allocation policies and cases during a public health emergency.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Provide emergency preparedness officials, health department officials, and health attorneys with an understanding of the complex legal and ethical decisions involved in creating new standards of care to address a community-wide scarcity of medical resources in a public health emergency, and
- Use a case study to create and evaluate a sample community hospital triage plan, based on ethical principles from medical ethics and public health ethics.

Session Convener:

The Institute for Practical Ethics, University of Virginia

Resource Materials:

John L. Hick, MD and Daniel T. O'Laughlin, MD, Concept of operations for triage of mechanical ventilation in an epidemic. *Acad Emerg Med.* 2006 Feb;13(2):223-9.

Robert M. Veatch, PhD, Disaster Preparedness and Triage: Justice and the Common Good *Mt Sinai J Med.* 2005 Jul;72(4):236-41

University of Toronto Joint Centre for Bioethics, Stand on Guard for Thee: Ethical considerations in preparedness planning for pandemic influenza. November 2005.