

Harris County Public Health & Environmental Services Ethics Advisory Committee Charter

Last Updated: March 10, 2015

Preamble

A high-quality, high-performing health department recognizes that the practice of public health has inherent ethical considerations that can arise from its programs, policies, mandates, interventions, or employee/employer relations (PHAB, 2013). Many local health departments are expanding their infrastructure in order to respond effectively to ethical concerns (NACCHO, 2014). This expansion commonly includes a formal ethics deliberation process and staff training (NACCHO, 2014).

The HCPHES Ethics Advisory Committee (EAC) was formed as the foundation of efforts to expand the ethics infrastructure in HCPHES. **The main purpose of the EAC is to assist HCPHES Executive Leadership and staff in making decisions about ethical issues using a standardized, transparent, and deliberative process that applies HCPHES values:**

- Excellence
- Compassion
- Flexibility
- Integrity
- Accountability
- Professionalism
- Equity

Definitions

(Sources: CDC, 2012, J. Lunstroth, 2015)

Ethics

Identifying principles to guide action and then using these principles to determine what the right thing to do is, given a particular set of circumstances, in which the right thing to do is hard to determine. Ethics asks: What choices should we make and why? What norms should guide our actions? Laws and rules are the result of ethical determinations and are presumed to be just and ethical. However, it is sometimes apparent that enforcing the law or rule would result in injustice; therefore, ethics is also determining what is right or prudential when the law or rule is wrong.

Public Health Ethics

Ethical principles and norms particular to the practice of public health; the study of or deliberation about ethical norms that should guide decision making about the health of groups of people; a process for identifying, analyzing, and resolving ethical conflicts or tensions in public health. The central dilemma of public health ethics is between the use of police power by the public health authority and the constitutional and human liberty rights of individuals.

Ethical Code

A statement of ethical or prudential principles to help a person who has to make a decision to do the best or right thing in that particular situation. An ethical code outlines those things that a prudent or just person would consider in making a decision within the context of the agency or organization.

Deliberative Process

Procedures for ensuring fairness and just outcomes when there is a conflict between the rights of an affected party and the powers of the public health authority. Such a process would typically include: ensuring the affected party has adequate notice of the law or rule being invoked to justify an intended act by the public health authority; a real opportunity to respond to the notice; and a transparent and accountable decision making process. The overall goal is to provide for due process in public health decision making.

Purpose and Authority

The EAC is charged with and given the authority to:

- Adopt an Ethics Code for HCPHES.
- Design and test a deliberative Ethics Review Process for HCPHES that provides opportunity for input from affected parties.
- Represent the interests of their respective Divisions and Offices in deliberations.

- Make suggestions for additional infrastructure enhancements, such as staff training.

Pending the details of the adopted Ethics Review Process, the EAC may also be responsible for conducting ethical reviews for HCPHES and/or establishing content expert panels and community input options.

Recommendations made by the EAC and/or its sub-panels will be submitted to the HCPHES Executive Leadership Team, and it will be the responsibility of HCPHES Leadership to make a final decision and determine a course of action.

Roles and Responsibilities

Chair

Provide overall guidance as the EAC completes its purpose and work products. Provide understanding of the links to the HCPHES mission, vision, and Strategic Directions. Ensure that all EAC members have the opportunity for input and are equally valued. Act as the EAC liaison to HCPHES Leadership and facilitate needed resources.

Coordinator

Organize EAC members, meetings, and products, including scheduling, project planning, and deliverables. Help ensure that all EAC members have the opportunity for input and are equally valued. Act as a liaison to members for any needs or concerns.

Ethics Advisor

Provide the EAC with guidance regarding ethics theory and practice, including the development of appropriate ethics codes and frameworks. Provide guidance to the Chair and Coordinator on internal processes to help ensure effective outcomes.

Legal Counsel

Provide the EAC with guidance regarding legal considerations and limitations.

External Stakeholder Representative

Provide the EAC with guidance regarding the interests and needs of community members and other stakeholders. Help identify options for community and stakeholder input as needed.

Members

Actively contribute to the development of EAC decisions, deliverables, and other work products. Provide content expertise for EAC activities as it relates to their positions, roles, mandates, and Divisions/Offices. Be willing to conduct and/or facilitate ethical analyses. There shall be no more than 12 members on the EAC at any given time.

Members, at a minimum, shall represent the following programs and perspectives in HCPHES:

- Animal control
- Chronic disease prevention and control
- Clinical services and direct patient care
- Disease surveillance
- Employee/employer relations
- Facility permitting
- Health equity
- Protection of human subjects
- Public health emergencies
- Vector control

These seats shall be considered permanent; however, the individuals who fill these seats may be replaced as needed per the following process:

- Division or Office leadership will identify staff matching the needs of the seat; and
- Final appointment will be made by the HCPHES Executive Director.

A brief orientation will be provided by the Chair or Coordinator.

Member Characteristics and Guidelines

EAC members will have the following characteristics:

- Personal interest in ethics concerns.
- Basic understanding of core ethical concepts, including determinants of health.
- Completion of a nationally endorsed training course on public health ethics (to be provided upon appointment).
- Knowledge of their Division, Office, or role, particularly of tasks with ethical concerns.
- Institutional memory.
- Time and commitment to actively participate.

(Source: PHLS, 2004)

EAC members shall adhere to the guidelines below:

- Be respectful of each other and of all participants at all times.
- Be open to new ideas, perspectives, and training opportunities.
- Focus solutions on policies, systems, and operations; not on individual affected parties.
- Include concrete examples whenever possible.
- Respect the decisions and decision-making process of the group.
- Keep information shared in an ethical review process confidential and private.
- Take personal responsibility for an effective, efficient, and enjoyable group process.
- Communicate with the Chair or Coordinator about concerns or suggestions.

Meetings

EAC meetings will be called by the Chair or the Coordinator acting on the Chair's behalf. When possible, meeting schedules will be determined by members at the end of each meeting. Meeting notice will be made no less than 14 days in advance. The Chair (or their designee) will lead meetings. Decisions will be made by consensus.

Confidentiality

EAC proceedings are confidential. Members are not to discuss the proceedings with anyone other than members, except for Office Holders in order to fulfil the purpose of this charter.

Guiding Principles for an Ethics Review Process in HCPHES

The EAC will design and test a deliberative Ethics Review Process for HCPHES. This end-product of their work shall:

- Describe the types of issues that can be referred for review and the procedure for making and accepting referrals.
- Describe the review process including: procedures for investigating referrals, notifying affected parties, and convening sub-panels.
- Describe the roles of staff, external members, and members of the HCPHES Executive Leadership Team during the review process.

- Outline the structure of meetings, meeting minutes, and the content of required reports.
- Describe the process for notifying staff and others of meetings and results.

Final written policies and procedures for the HCPHES Ethics Review Process shall be published to internal and external audiences.

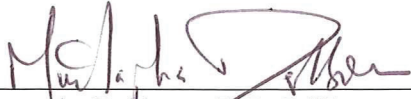
Acknowledgements

This Charter was modeled after the Ethics Committee Charters for Clark County, WA and Mahoning County, OH. We are indebted to their thoughtful work on this topic.

Citations

- Centers for Disease Control and Prevention (CDC), [Good Decision-Making in Real Time: Public Health Ethics Training for Local Health Departments](#), 2012
- National Association of County & City Health Officials (NACCHO), [Ethics project](#), 2014.
- Public Health Accreditation Board (PHAB), [Standards and Measures \(v. 1.5\)](#), 2013.
- National Public Health Leadership Society (PHLS), [Skills for the Ethical Practice of Public Health](#), 2004.

Approvals




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