

The Delaware Public Health and Medical Ethics Advisory Group

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1.0 Purpose

- 1.1 To establish procedures for operations and activation of the Delaware Public Health and Medical Ethics Advisory Group during emergency and non-emergency events.
- 1.2 To provide ethical event-specific guidance to the Division of Public Health Director and/or Incident Commander when requested.
- 1.3 This guide should be used in conjunction with existing emergency operations plans, investigative response procedures, guidelines, resources, assets, and other related reference materials.
- 1.4 This plan is intended to be used as a *guide* and does not replace sound judgment nor anticipates all situations and contingencies.

2.0 Planning Assumptions

- 2.1 Critical ethical issues may arise related to declared states of emergencies or other public health non-emergency events in the state of Delaware.
- 2.2 A natural or intentional chemical, radiological, biological, nuclear, traumatic/explosive, or other exigent public health event may cause significant health and medical issues.
- 2.3 Large numbers of patients may require emergent or critical care due to injuries or other acute medical issues resulting from a public health event.
- 2.4 The current health care system may not have available resources to meet the increased demand for health care.

3.0 Concept of Operation

3.1 General

- 3.1.1 The Group meets monthly to develop procedures and protocols to enhance ethical decision making; however, the Group may be activated at anytime to deliberate on specific ethic issues. *See 5.0 Activation.*
- 3.1.2 The Group members have expressed their mission through a written official charge (Tab A) and deliberations of the Group are informally governed by Robert's Rules of Order.
- 3.1.3 The Delaware Freedom of Information Act applies to this Group; however, closed sessions may be enacted when necessary.

- 3.1.4 The Group is overseen by the Division of Public Health Director's Office during non-emergency events and by the SHOC Incident Commander during emergency events.
- 3.1.5 Requests are submitted using a standardized request form (Tab B) in order to provide all necessary information so the Group may make an informed decision.
- 3.1.6 The Group has the opportunity to consider and potentially reject through a unanimous vote to abstain from deciding issues, based on its assessment.
- 3.1.7 If the Group issues an ethics opinion, it will be disseminated directly to the Director's Office or the Incident Commander through appropriate liaisons.

4.0 Group Membership

4.1 The Group consists of the following member-types:

- Hospital ethical experts
- Medical experts
- Public health experts
- Member of the public

4.2 Members affiliated with a facility, organization, or entity should seek permission to participate in the Group. The Director's Office should provide an official written request for participation.

5.0 Activation

5.1 Non-Emergency Events

- 5.1.1 The Group holds regularly scheduled meetings to focus on specific issues relevant to their charge through enhanced knowledge or skills. During these meetings, the Group addresses any non-urgent requests for ethics review from the Director's Office in preparation for and response to public health exigencies.
- 5.1.2 The Director of the Division of Public Health or any DPH Section Chief may request the use of the Group by completing the Request Form (Tab B) and provides the form to the Director's Office Executive Assistant.
- 5.1.3 Once the Director's Executive Assistant receives the request form, they will forward the form to the Group Chair.
- 5.1.4 If a decision is needed within one month, the Group may convene prior to the standard monthly meeting in order to deliberate on the issue. If more

time is allotted, the Group may use the standard monthly meeting to deliberate.

- 5.1.5 The Group Chair communicates with Group Members the need to convene via email, phone, or by using ESAR-VHP, depending on how quickly the Group needs to convene.

5.2 Emergency Events

- 5.2.1 When SHOC is activated, the Group will meet and deliberate on short timelines based on its ability to garner information during emergencies and to make critical decisions contingent on the Group's access to emerging data streams in an emergency.
- 5.2.2 The Group Chair will report to the Policy, Constituent, and Legal Affairs Officer.
- 5.2.3 The Incident Commander or SHOC Section Chiefs requests the use of the Group by completing the Request Form (Tab B) and provides the form to the Policy, Constituent, and Legal Affairs Officer.
- 5.2.4 The Policy, Constituent, and Legal Affairs Officer forwards the request to the Group Chair.
- 5.2.5 The Group Chair recalls Group Members through ESAR-VHP.

6.0 Response

6.1 Non-Emergency Events

- 6.1.1 The Director's Office assists in the organization of the meeting and provides administrative and logistical support in the form of meeting minutes, etc.
- 6.1.2 Generally, the public is invited to attend the open portion, but committee members may discuss in confidence its deliberations and issue recommendations in a closed meeting.

6.2 Emergency Events

- 6.2.1 The Policy, Constituent, and Legal Affairs Officer will contact the Chair that the Group's services are emergently needed.
- 6.2.2 The Chair will contact the Group members using ESAR-VHP that an impromptu meeting needs to be set up emergently. To accommodate Group members on an emergent basis, video-conferencing and tele-conferencing capabilities may be available under the discretion of the Chair.
- 6.2.3 Incident Command Administrative Specialist may assist in the organization of the meeting.

6.2.4 All meetings during emergencies will be closed to the public.

7.0 Group Decisions.

- 7.1 The Group will follow a decision-making process that accounts for critically important principles of public health ethics (Tab C).
- 7.2 A quorum of 51% of voting Group members needs to be met to hold a vote.
- 7.3 Recommendations will be communicated using anonymous majority-minority reporting. However, Group members will have the ability to call for the motion to use anonymous, number-based reporting.
- 7.4 Individual Group members should routinely assess any potential conflicts of interest and recuse themselves from any ethics consideration that raises specific conflicts.
- 7.5 To the extent that the Group issues an ethics opinion, it will be disseminated directly to the Director's Executive Assistant in non-emergency events and to the Policy, Constituent, and Legal Affairs Officer in emergency events.
- 7.6 The decision will ultimately be sent to the Division Director and the Incident Commander if appropriate.
- 7.7 The Division Director and/or Incident Commander may decide to not implement the Group's decision.

8.0 Agencies

- 8.1 Division of Public Health (DPH)
 - 8.1.1 Provides administrative support to the Group at regularly scheduled meetings.
 - 8.1.2 Provides written requests for new members.
 - 8.1.3 Sends requests for ethical decisions to the Group Chair.
 - 8.1.4 Activates SHOC if necessary.
- 8.2 Group Member Agencies/Organizations/Facilities
 - 8.2.1 Allows a designated representative to participate as a Group member.
 - 8.2.2 Provides a meeting location as needed.
- 8.3 Public Health and Medical Ethical Advisory Group

8.3.1 Elect a Chair (responsible for coordinating deliberations) and a Vice-Chair (responsible for coordinating the production of written products, and serving in the Chair's absence).

8.3.2 Report on an emergent basis during a declared emergency or public health exigency

8.3.3 Attend monthly Group meetings.

9.0 Standard Operating Procedures Maintenance

9.1 These procedures will be reviewed and updated by the Delaware Public Health and Medical Ethics Advisory Group in cooperation with supporting and coordinating agencies annually or as needed.

10.0 Training, Exercise and Evaluation

10.1 The Group is designed not only to provide ethical guidance on specific topics in non-emergencies, but also to train and to continue to be ready to provide ethics guidance in real-time during declared emergencies or other public health exigencies.

10.2 The Group will be available to participate in regional exercises that require ethics in the decision-making process.

10.3 The Group may also construct an exercise in the form of a tabletop, drill, functional, or full-scale exercise, to include certain stakeholders (e.g., representatives of minority groups, religious groups, the elderly population, the special needs population, etc.) and ethics committees from health care facilities or other organizations.

10.4 An After Action Report (AAR) and an Improvement Plan will be developed and be provided to participating agencies to allow revision of these procedures.

11.0 Tabs

Delaware Public Health and Medical Ethics Advisory Group

Official Charge

The Delaware Public Health and Medical Ethics Advisory Group, a formal, inter-agency ethics advisory committee, is charged with addressing critical ethical issues related to declared states of emergencies or exigent public health events in the state of Delaware. The Group shall provide advice and recommendations to the Delaware State Health Officer or other authorized agents based on its deliberations on relevant ethical issues. Group members, which include persons of various backgrounds and interests in public and private sectors, are obligated to deliberate and to decide these issues without conflicts of interests in service to the citizens of Delaware. Among its many actual or potential functions, the Group may:

- Develop a process to receive inquiries and provide advice or recommendations to the State Health Officer or other authorized agents;
- Develop statewide ethical guidance concerning emergencies, including issues related to standards of care, that comport with international, national, or comparable state models; and
- Review recommendations from the CDC and other professional organizations and provide comments on their applications in Delaware.
- Continuously train in non-emergencies using potential scenarios and exercises to enhance the Group's ability to provide ethics advice or recommendations in real-time during government-declared states of emergency or exigent public health events in the state.

Tab B – Request Form

**Delaware Public Health and Medical Ethics Advisory Group
Request Form**

What is the ethical dilemma? _____

Background Information (Please attach necessary documents): _____

What question(s) would you like the Group to address?
1. _____
2. _____
3. _____

When do you require a formal recommendation from the Group? (Urgent requests can be entertained, but the Group would prefer timely review of all pertinent materials prior to consideration.) Date: _____

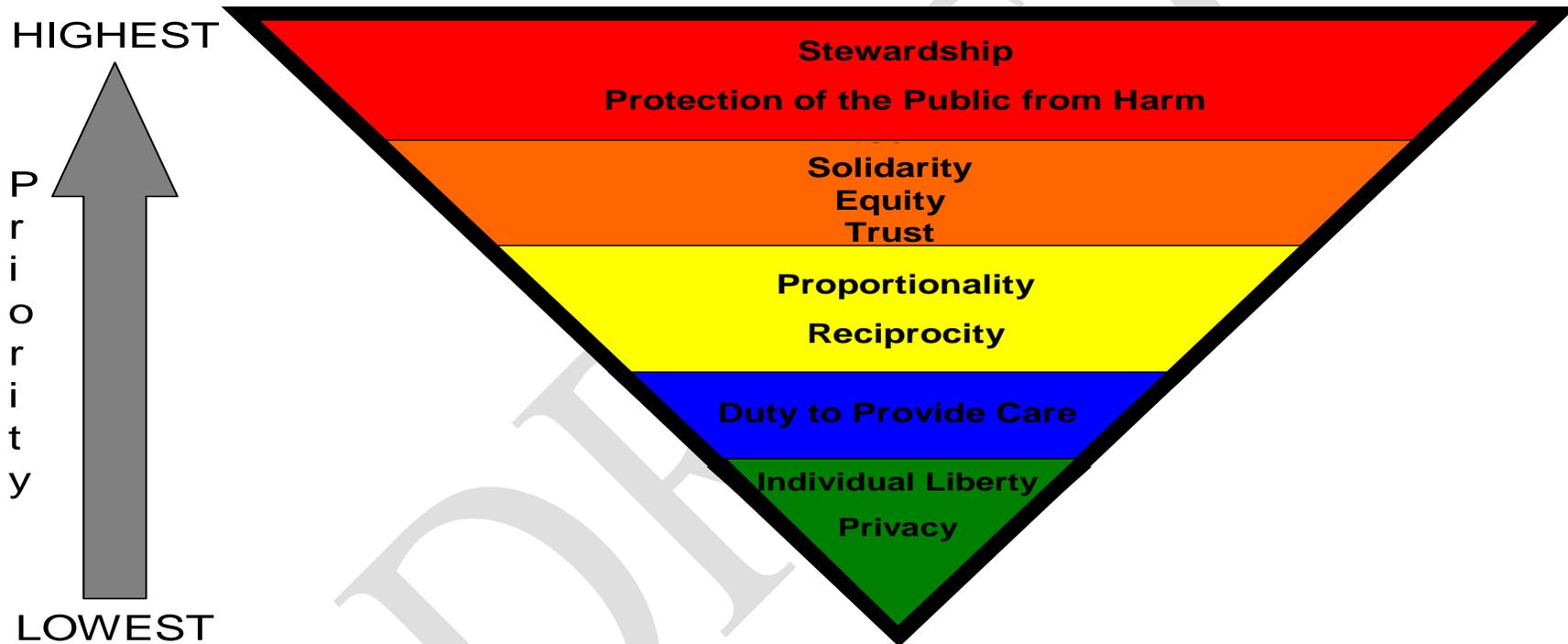
Name and Title of Requestor: _____

Agency: _____

Phone Number: _____

Email Address: _____

Delaware Public Health and Medical Advisory Board Prioritization of Ethical Values



The Delaware Public Health and Medical Advisory Board Prioritization of Ethical Values is designed to guide the Board in its decision-making process when ethical recommendations are requested by the Division of Public Health. The principal ethical values are categorized into five tiers. The Board will determine which tier applies to the public health situation presented. The tiers are in order of priority, with ethical values of higher priority at the bottom of the pyramid. This diagram serves as only a guideline to aid members of the Board to organize thoughts and ideas to provide the most ethically appropriate recommendations to the Director of the Division of Public Health.