Pandemic Influenza: Standards of Care
IoM Workshop: Orlando, FL
Tues. 4.14.09

South Carolina Prepares for Pandemic Influenza:
An Ethical Perspective

SC Pandemic Influenza Ethics Task Force

Pan Flu (Alternative/ Community) Standards of Care:
Developing Consensus among Stakeholders

Robert Ball, MD MPH FACP
SC Department of Health & Environmental Control
Infectious Disease Epidemiologist, Co-Chair SC Pan Flu Ethics Taskforce
Interstate coordination & resource sharing
- Public health interventions (eg, isolation, quar.)
- Medical facilities, equipment, personnel
- Need for consensus on standards of care (eg, Triage Teams, ventilator allocation, etc)
- Public health surveillance & epidemiology

Public Risk Communication
- Need for common & consistent messages
Assessment of States’ Operating Plans to Combat Pandemic Influenza

Report to Homeland Security Council

January 2009
## Goal B: Protect Citizens

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<tr>
<th>State</th>
<th>Epi and Lab capability B1</th>
<th>US Ports of Entry B2</th>
<th>Community Mitigation B3</th>
<th>School Closure B4</th>
<th>Medical Countermeasures B5</th>
<th>Mass Vaccination B6</th>
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- **Green** = No Major Gaps
- **Yellow** = Few Major Gaps
- **Orange** = Many Major Gaps
- **Red** = Inadequate Preparedness
- **Purple** = Not Applicable
- **Blue** = Review in Progress

R. Ball, MD MPH
## Goal B: Protect Citizens

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<th>Healthcare B7</th>
<th>Mass Fatalities B8</th>
<th>Communication B9</th>
<th>Workers B10</th>
<th>Foreign Missions B11</th>
<th>Emergency Medical Services &amp; 911 B12</th>
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R. Ball, MD MPH
MISSION: to review current pandemic plans re: ethical perspectives and provide input, guidelines

GOALS: develop a SC “white paper” w/ guidance and recommendations for clinical and public health providers, w/ public risk communication & legal input

OBJECTIVES: 5 WORKgroups to deliberate, write sections of a “white paper”, due summer 2009, hold a SC Pan Flu Ethics Summit summer 2009.
SC Pandemic Influenza Ethics Task Force

SC Pandemic Influenza Coordinating Council

Steering Committee

SC Pandemic Influenza Ethics Task Force
Co-Chairs (DHEC & non-DHEC)

Clinical Practices Workgroup: Co-Coordinators

Public Health Practices Workgroup: Co-Coordinators

Public Risk Communication Workgroup: Co-Coordinators

Ethics Workgroup: Co-Coordinators

Legal Workgroup: Co-Coordinators
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Public Health Ethical Issues:

- Health Care Workforce Continuity
- Allocation of Antivirals and Vaccines
- Isolation & Quarantine Interventions
  - Fair applicability, duration, public understanding, law enforcement
- Pre-Hospital Triage
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Risk Communication Ethical Issues:

- Degree of Public Understanding of Medical Scarcities and Fair Rationing Target Audiences
- Level of Complexity
- Special Needs Populations
- Use of Faith-based Communities
- Public Ethics Planning Focus Groups
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Clinical Practice Ethical Issues:

- Consensus Community Standards of Care
- Triage Officers and Decision Methods
- Health Care Workforce Continuity
- Antiviral Prophylaxis for Health Care Workers
- Limited Liability for Triage Officers
COMMUNITY PAN-FLU PREPAREDNESS: A CHECKLIST OF KEY LEGAL ISSUES FOR HEALTHCARE PROVIDERS

Informed by a Public Interest Dialogue Session co-sponsored by the American Health Lawyers Association, the U.S. Centers for Disease Control and Prevention, and the Office of Inspector General, U.S. Department of Health & Human Services
SC laws addressing health provider limited liability, 2008

- **Emergency Health Powers Act 44-4-570, (C)(1)**
  - “Any HCP appointed by [DHEC]... MUST not be held liable for any civil damages as a result of medical care or Tx... unless the damages result from Tx... under circumstances demonstrating a reckless disregard for the consequences...”

- **Medical Malpractice Act 38-79-30**
  - “Volunteer {non-compensated} health care provider... not liable for any civil damage for any act or omission resulting from the rendering of the (medical) services unless... act or omission was the result of...gross negligence or willful misconduct. The agreement to provide voluntary uncompensated service must be made before...”
SC laws addressing health provider limited liability, 2008

- **Medical Practice Act  40-47-10, (I)(1)**
  - “The Board may publish advisory opinions and position statements relating to practice procedures or policies authorized or acquiesced to by any agency, facility, institution, or other organization that employs persons authorized to practice under this chapter to comply with acceptable standards of practice.”

- **Nurse Practice Act  40-33-10, (I)(1)**
  - “The Board may publish advisory opinions and position statements relating to nursing practice procedures or policies authorized or acquiesced to by any agency, facility, institution, or other organization that employs persons authorized to practice under this chapter to comply with acceptable standards of nursing practice.”
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- THANK YOU
- QUESTIONS?