

**Ethics and the dilemmas
of infection control:
Competing obligations**



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Ethical dilemmas raised by the case

- Autonomy
- Disability Rights
- Patient Rights versus Public Rights
- Professional Integrity

Quebec Civil Code

- Chapter One – Integrity of the Person

Article 10

Every person is inviolable and is entitled to the integrity of his person. Except in cases provided for by law, no one may interfere with his person without his free and enlightened consent.

Charter of Human Rights and Freedoms - Quebec

- Basic premises on which Charter is based:

Every human being

- possesses intrinsic rights and freedoms
- is equal in worth and dignity
- must be respected

Article 1

Every human being has a right to life, and to personal security, inviolability and freedom.

Charter of Rights and Freedoms

Article 7

Everyone has the right to life, liberty and security of the person and the right not to be deprived of the principles of fundamental justice.

Article 15

Every individual is equal ...
and has the right to the equal protection and benefit of law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, mental or physical disability.

Autonomy

*What does this say to us
about the value of autonomy
in our society?*

Autonomy

- To take away someone's autonomy is the **greatest harm** that one can do to him/her and therefore there must be the **greatest of justifications** in doing so

Patient Rights versus Public Rights

- There are exceptions to patient rights
- There are instances when the rights of the public to be protected are **equally as important** as the rights of the individual to be free to make his own choice
 - Infectious disease is one of those exceptions
 - Patients can be detained, quarantined, forced into treatment by law – all to protect the public from harm (SARS or TB as examples)

Disability Rights

- No discrimination – foundation of our Charter of Rights and Freedoms
- Foster autonomy is paramount
- Service animals are an extension of the person and as such are to be considered as part of the person not as a separate being
 - They are a means for that person to achieve his/her full autonomy

Disability Rights

- Service animals **by law** may go into any venue that their master is allowed **with only rare exception**

Public Health Ethics

- Public Health Ethics is a relatively new field over the past decade
 - Principles have been developed for use in determining how to proceed if one must restrict or take away rights of one to protect the rights of another

Siracusa Principles

1. Ensure that any restrictions on liberty are based on a legitimate concern
2. Review all potential options to ensure the least restrictive have been tried
3. Ensure that restrictions are applied in an equitable fashion without discrimination
4. Ensure that the restrictions that are applied are ones that will be acceptable to the society which is being protected

- Coker, R. 2006

How would these be applied?

1. Legitimate concern

- How real is the risk of infection in this instance?
- How real is the risk of disruption or disturbance?
- Would potential allergy (< 6% of the population) be a reason to restrict?
- Risk must be actual or very high potential

Service dogs are clean, well trained, calm and committed to their owners

Pets and pet therapy could be treated quite differently than service animals

My dogs – not to be allowed into a hospital under any circumstances



How would these be applied?

2. Least restrictive measures

- What options have been considered?
- Removal or restriction of a service animal would need to be very well justified as this may well mean removal or restriction of the patient
- “Health care providers must make their goods and services available to persons accompanied by service animals without isolating, segregating or otherwise discriminating against those persons”

- *APIC Guidelines 1999*

How would these be applied?

3. Applied equitably without discrimination

Norman Daniels (Fair Process)

- Publicity: clear criteria made public
- Science based: evidence and evaluation
- Accountability: justifiable and accountable
- Appeal: must be able to be reviewed and appealed
- Policy and education for staff?
- Institutional accountability?

How would these be applied?

4. Acceptable to society

- At this point in time our society has chosen to see service dogs differently than pets or pet therapy and see them as an extension of the autonomy of the patient – a tool like a cane or a walker
- Therefore there must be legitimate concern, science based reasons to restrict service animals at any time or in any circumstance

Professional Integrity

- Integrity will mean that the Infection Control Practitioner **acts with evidence** as the foundation of decision-making, and justice and compassion in interventions provided

Professional Integrity

- How does the Infection Control Practitioner juggle all of the obligations?

Some realities:

- ICP has dual obligations and often obligation to public is paramount
 - Most staff nurses will have the opposite main obligation
- ICP has the obligation to advocate for both ensuring that neither is unduly harmed

Professional Integrity

- Given what we have discussed it is hard to imagine a scenario when a service dog could or would be restricted
- In order to determine necessity what thinking would we need to go through?

Professional Integrity

Using principles above:

- To isolate or restrict or not?
 - What are the actual risks?
 - What does science say about actual risk of infection for this patient and this service animal?
 - What are the actual risks of disruption or disturbance?
 - If restrictions or limits are proposed are they the least restrictive?
 - What options are present that are reasonable to propose?
 - How are the reasons made public to the patient?
 - What does re-evaluation and appeal look like for the patient?

Professional Integrity

- To isolate or restrict or not?
 - Will the patient's autonomy be upheld as much as possible?
 - Can we assure that the care for this particular patient will not be compromised?
 - Who will be accountable to ensure that restrictions are reconsidered frequently?
 - What about fear of allergies or fear of dogs – would this be justification?

Professional Integrity

- This type of work is not a popularity contest
 - Decisions may be perceived as harsh even cruel or worse – irrelevant
- Professional integrity will be essential if the Infection Control Practitioner is to be seen as credible and the ongoing relationship is to be preserved