

Ethical Responsibilities of Federal, State and Local Government

Given the very serious ramifications of limited resources in a disaster and its accompanying decisions and outcomes, there is an ethical responsibility on the part of local, state and federal government officials to support health care organizations in a disaster.

The State Expert Panel on the Ethics of Disaster Preparedness in collaboration with the Wisconsin Division of Public Health, Hospital Emergency Preparedness Program and the Wisconsin Hospital Association has developed a series of brochures, entitled “The Ethics of Health Care Disaster Preparedness.” These documents provide guidance to health care organizations and their staff so that all have a better understanding of why certain decisions are made, how these decisions are informed by the ethical principles in this document and how these decisions will be implemented when there are limited resources.

The State Expert Panel has produced this document primarily as a basis for discussion so federal, state and local officials can participate in a dialogue that will further refine these guidelines. The desired outcomes of these discussions include:

- a greater awareness of the ethical issues that will arise during a disaster*
- an understanding of the ethically justifiable expectations regarding what to expect from the health care system during a disaster*

*Before reading this brochure, you are encouraged to read the brochure
“Ethics of Health Care Disaster Preparedness.”*

The State Expert Panel assumes that local, state and federal government officials have been committed to these preparedness efforts and can attest to the significant legisla-

tive and governmental preparedness accomplishments that have been made since the events of 9/11.

The State Expert Panel believes its

responsibility is to identify the ethical issues that will occur in a disaster, to provide initial guidance regarding ethical decision-making, to provide a forum for discussion of these

ethical issues and then to take the results from these discussions and share them with health care organizations and local, state and federal government officials throughout Wisconsin. Local, state and federal government officials need to understand that even with health care organizations “being prepared” and following all of these ethical guidelines, there may be loss of life for those who do not get the necessary treatment due to limited resources.

It is the purpose of this brochure series to assist local, state and federal government officials to be accountable by reviewing the types of decisions that must be made by health care organizations.

Local, state and federal government officials are accountable to the community for the support that they provide to health care organizations and the citizens of the state. It is the purpose of this brochure series to outline certain responsibilities, by which local, state and federal government officials can be held accountable both by health care organizations and by the community.

The following “Ethical Responsibilities” are based on the Ethics Principles and Procedural Values as explained in the brochure “Ethics of Health Care Disaster Preparedness.” They are formatted as a checklist with a rationale for each checklist item and a recommended desired

outcome for each responsibility.

It is the hope of the State Expert Panel that local, state and federal government officials will work through their legislative structures to discuss amongst themselves these responsibilities and achieve the desired outcome.

1. To ensure that there are plans to protect the health and safety of its citizens.

Rationale: The public expects that its elected officials, whether federal, state or local, have exercised their leadership to ensure that all emergency responders have the support of government and have established, implemented and exercised emergency response plans to protect the health and safety of the public.

Desired Outcomes:

- Local, state and federal government officials are to ensure that there are Emergency Response Plans that will address the critical hazards identified in a state, regional or local Hazards Vulnerability Analysis (HVA).
- Local, state and federal government officials are to ensure that there are state, regional and local mechanisms to ensure that the Emergency Operations Plans of all emergency responders are integrated and coordinated.
- Local, state and federal government officials are to ensure that

there are budgets to support emergency preparedness planning, response (especially corrective actions identified in After Action Reports) exercises, education and training.

2. To ensure that there is interoperability of response if the assets of the federal government and other states are required.

Rationale: The public is aware of what appeared to be an uncoordinated response in some previous disasters. The public expects that its elected officials, whether federal, state or local, have systems in place and have exercised the systems necessary to coordinate the local and state response with federal and other states’ assets.

Desired Outcomes:

- Local, state and federal government officials are to ensure that multiple jurisdictions, either within the state or border states, have the legislative support to ensure that there are no legal impediments to a mutual aid response among jurisdictions.
- Local, state and federal government officials are to ensure that local, regional and state response will be robust and sustained if assets from other states or the federal government cannot be provided in a timely manner, or not at all.

3. To work collaboratively with other emergency responders, including the military, to facilitate an integrated response among all emergency response organizations.

Rationale: Federal, state and local government have the responsibility to ensure that all emergency responders work collaboratively to integrate their emergency response plans so that there is coordination in the response, especially when the incident crosses over the boundaries of a jurisdiction or various jurisdictions.

Desired Outcomes:

- Local, state and federal government officials regularly test emergency response plans and, to the extent possible, involve partners from other states and the federal government.
- Local, state and federal government officials are to ensure that corrective actions, identified in After Action Reports (AAR), are acted upon in a timely manner.

4. To ensure that there are consistent and authoritative public messages in a disaster.

Rationale: The National Incident Management System provides the structure by which consistent messaging can be provided to the public. The public is aware that such systems have failed in the past. It is important that federal, state and

local officials test this system on a regular basis to ensure that all emergency response organizations know the appropriate communications protocols and, most importantly, have demonstrated proficiency in implementing these communications protocols through exercises.

Desired Outcomes:

- Local, state and federal government officials have a process in place, following the principles of the National Incident Management System, to ensure that there is one, consistent message provided to the public in a disaster.
- This responsibility includes the coordination of messages with border states and the federal government.

5. To be aware of the needs of “special populations” in a disaster.

Rationale: There are “special populations” that can be defined broadly as the elderly, children, the medically fragile, those with communication barriers, those that live alone and require assistance, etc. Government should know the needs of these groups and have plans on how to meet their needs in an emergency situation such as, how does the government communicate with these groups in a disaster?

Desired Outcomes:

- Local, state and federal govern-

ment officials should appoint one agency as the “lead” in the management of special needs populations.

- Local, state and federal government officials are to identify the roles that individual emergency response organizations play in serving special needs populations in a disaster and identify any gaps.

6. To enact legislation that will assist health care workers to perform their necessary functions in a disaster.

Rationale: It is the role of government to set rules and regulations to govern the delivery of services such as health care. In normal circumstances, these rules and regulations protect the public and the health care workers. In a disaster, health care workers will need to take extraordinary measures to provide treatment, given a surge of patients and the high potential for the scarcity of resources. Processes should be in place to allow for the waiver or suspension of rules and regulations to allow health care workers to do whatever is necessary in a disaster to provide treatment to those in need.

Desired Outcomes:

- Local, state and federal government officials are to have a process in place for the rapid implementation of waivers nec-

essary to enable health care organizations to manage a surge of patients with scarce resources.

- Local, state and federal government officials, to the extent possible, are to establish waivers prior to an incident that can be implemented in a disaster so that health care organizations are aware of such waivers and can consider them in planning.
- Local, state and federal government officials are to ensure that insurance companies (health, liability, malpractice, etc.) write their policies in such a way as not to financially impede the response and recovery of health care organizations.

7. To establish the public policy necessary so that society can continue to function in a disaster.

Rationale: Government not only has a responsibility to ensure the continuity of governmental operations, but also, it must ensure that society can continue to function during a disaster. This will involve issuing directives in an infectious disease outbreak regarding social distancing such as isolation and quarantine, the closure of schools, businesses and other public gatherings. It may also be necessary to have a system in place to allow citizens to maintain normalcy through the suspension of certain rules and regulations. For example, renters may not have wages due to work closure. Thus, there may be the need to suspend rules on evictions, on maintaining utilities and insurances, etc., for the duration of the disaster.

Desired Outcomes:

- Local, state and federal government officials are to establish legislation that will allow society and citizens to continue to function in a disaster.
- Local, state and federal government officials are to establish legislation that will allow businesses to continue to function in a disaster so that necessary goods and services can be maintained.
- Local, state and federal government officials are to establish legislation that will allow employers to continue to function in a disaster so as to maintain an essential workforce to maintain the production and delivery of necessary goods and services.