



# Lesson Five

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## Public Health Law and Ethics

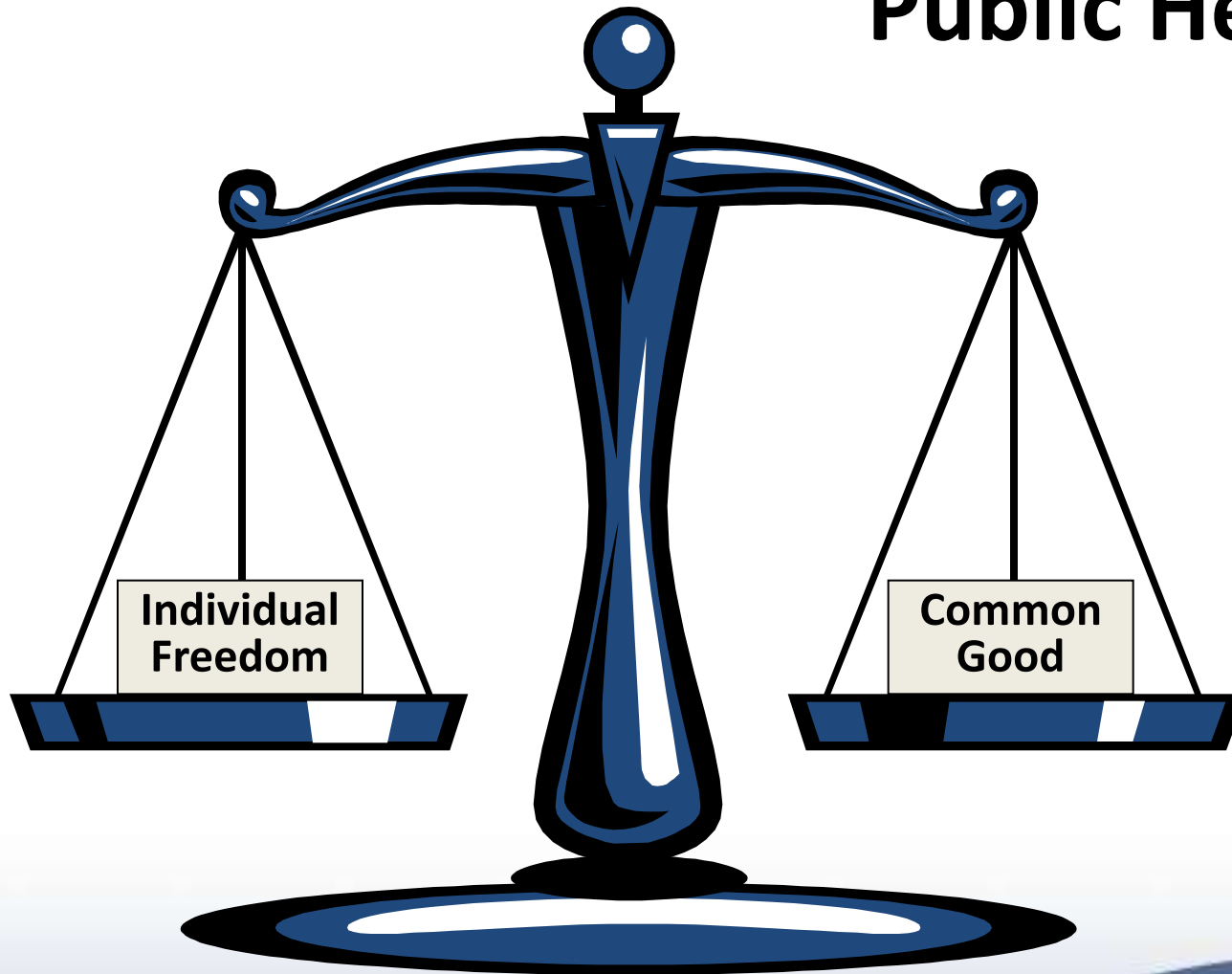


# Lesson Learning Objectives

*Given a disaster or public health emergency:*

- Identify ethical issues that could be encountered by health professionals and other responders
- Identify legal and regulatory issues that may impact the ability of health professionals and others to render assistance
- Identify police powers that may be used by local authorities to protect public health and safety
- Match legislation and legal terms with the most appropriate description

# Public Health Law



# Ethical Concerns in Disaster

Who to vaccinate first in a pandemic?

Who to evacuate first?

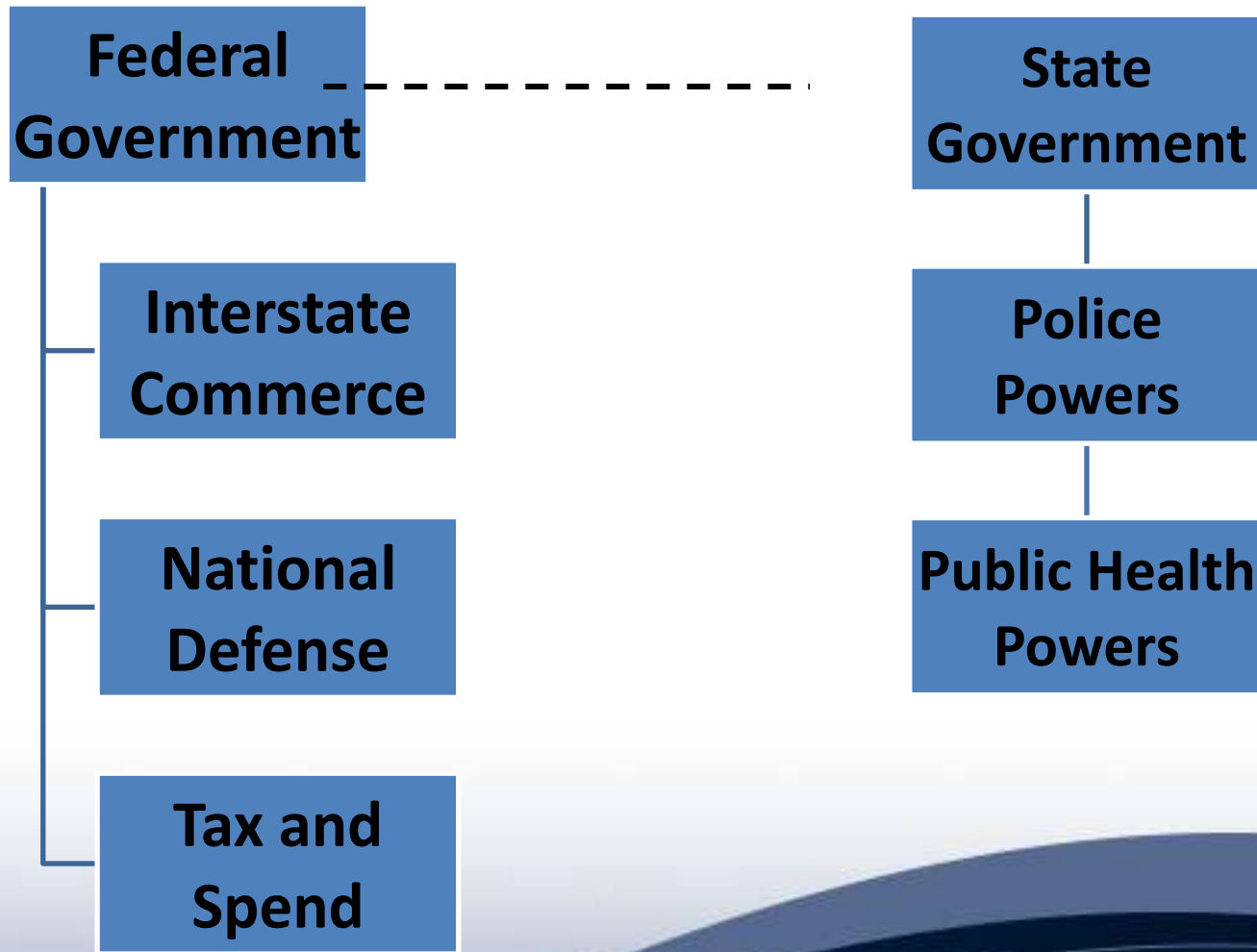
When to convert from rescue to recovery?

Who to provide limited resources (eg, ventilator)?

# Ethical Principles

1. Principle of autonomy: individuals' right to self-determination
2. Principle of beneficence: duty to promote public welfare
3. Principle of non-maleficence: avoid harm to patients and communities
4. Principle of justice: equitable distribution of benefits and risks

# Sources of Powers and Limits



# Police Powers Include Public Health Powers

Authority of government to impose restrictions on rights and enact measures to protect health, safety, and welfare of citizens, including the public's health:

- Surveillance
- Reporting
- Vaccination
- Isolation
- Treatment
- Social distancing measures
- Evacuation
- Powers over property

# Public Health Laws- Example

South Dakota Codified Laws	Subject
<u>Public Health</u>	
34-22-41.2	Statewide emergency registry volunteer- immunity from civil liability
34-22-42	Secretary may declare public health emergency- Contents of order
<u>Emergency Management</u>	
33-15-8	Authority of Governor in time of disaster, terrorist attack, or emergency



# Legal and Regulatory Issues for Health Professionals during a Disaster



Marty Bahamonde/FEMA

- License reciprocity
- Scope of practice
- Standards of care
  - Have they changed?
- Liability concerns
- Workers' compensation

# HSPD-21 (2007)

## Homeland Security Presidential Directive - 21

Establishes national strategy for public health and medical preparedness

### Four critical components:

1. Biosurveillance
2. Countermeasure stockpiling and distribution
3. Mass casualty care
4. Community resilience

# Laboratory Response Network (LRN)

Maintain integrated network of state and local laboratories able to respond to bioterrorism, chemical terrorism, and other public health emergencies

# Strategic National Stockpile (SNS)

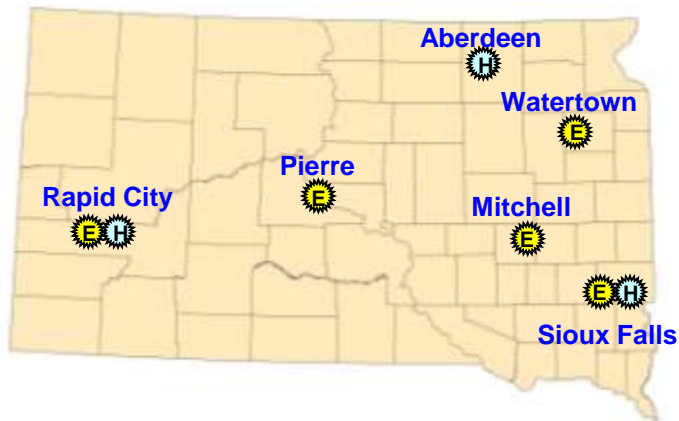
National repository of antibiotics, chemical antidotes, antitoxins, life-support medications, IV administration, airway maintenance supplies, and medical/surgical items

# SD DOH State Stockpile



# SD Chempack - 7 Cache Locations, 8 Containers

3 Hospital Caches & 5 EMS Caches



Chempack Container

City	Cache Type	# Treat
Aberdeen	Hospital	500
Mitchell	EMS	500
Pierre	EMS	500
Rapid City	Hospital & EMS	1,000
Sioux Falls	Hospital & EMS	1,000
Watertown	EMS	500

## Hospital vs. EMS Cache

85% Bulk Drugs  
15% Auto Injectors

15% Bulk Drugs  
85% Auto Injectors



**DuoDote**  
Atropine &  
2 PAM CI  
(combined)



**Mark-1 kit**  
Atropine &  
2 PAM CI  
(separate)



**Atropen**  
Atropine  
0.5mg  
1.0mg



**Diazepam**  
Auto Injector



**Bulk Drug**  
Atropine  
2 PAM CI  
Diazepam

## Chempack (Chemical-Package)

- Contains Nerve Agent antidotes
- Each Chempack Container treats approximately 500 patients
- There are 8 Chempack containers in South Dakota
- Can also be used for Organophosphate poisoning (*pesticides*)



# Lesson Summary

- State and local public health leaders need a defined set of legal and ethical principles to guide decision making
- These principles, according to an all-hazards approach, are adaptable to various public health emergencies.

