

# An Ethical Framework for Making Meso-Level Health Care Allocation Policy Decisions

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## Step One

### set up a good and fair consultation process

Fairness is not simply about what you decide but it is also about how you decide. The process matters in two crucial respects:

- 1 Is the process likely to yield useful information about available options?
- 2 Does the process make room for the relevant parties to have a fair say, especially when they are likely to be seriously impacted by the decision?
  - Does the process include competent representation of the interests of those who are unable or disadvantaged speaking for themselves?
    - If not, what steps will be taken to remedy this?
  - Is participation in the process sufficiently inclusive of lay community expertise?
    - Does the process avoid professional and expert imperialism?
    - Does the process assume a deficit model of patient, family, and public understanding?

## Step Two

### get the allocation question and relevant facts clear

To get to a good outcome, you need to have a clear understanding of the relevant information and then identify ethically questionable issues:

- 1 Clarify the distribution question by asking:
  - What is being (re)distributed?
  - By which decision-makers?
  - To what persons?
  - From which persons?
  - For what reasons?
- 2 Are any of these ethically inappropriate?
  - Watch for the wrong goods, wrong decision-makers, wrong recipients and wrong reasons!
    - Wrong goods or bads – e.g., assessing social worth
    - Wrong decision-makers – e.g., lack of expertise, conflicts of interest
    - Inappropriate recipients – e.g., over-served populations
    - Bad or weak reasons – e.g., prejudicial, lacking a sufficient health care rationale, too much or too little professional discretion ↗

- 3 If the answer to any of the above is positive, take appropriate corrective action, e.g., by bringing in unbiased decision-makers or adding expertise.
- 4 List the options remaining.
  - If you identify the need for more information, then repeat Step One as needed within the time available for decision-making. If you need to repeat the process, think again about the adequacy of the consultation process in Step One.

## Step Three

### look up, look down and look all around: determine impacts of various policy options

As a meso-level decision-maker you are in the middle so you need to look up (to macro-level policy), look down (to micro-level policy) and all around (to impacts of the policy on the rest of the meso-level). In particular, examine the implications of the policy options for:

- 1 General population health
  - What is the situation without a policy change?
  - How will the situation be altered by various policy options?
  - Is the situation better or worse than before?
- 2 Particular populations and patients
  - Identify special health care needs and issues
  - Watch for situations where specific populations or individuals are continually being sacrificed for the good of others
    - Put yourself in the shoes of members of affected populations, and ask if you would feel that you had been fairly treated?
- 3 Existing & future claims (including claims of professionals, other health service providers, communities and patients)
  - Who is entitled to what, from whom, and under what conditions?
  - How will each option change this?
  - Is this a legitimate change?

step three continued overleaf →

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## 4 Systemic capacity and ethical sustainability

- Watch out for robbing Peter (one part of the health care system) to pay Paul (another part)
  - Are you simply off-loading costs to patients, patient families and the general community?
- Do you have the right accountability measures and relationships in place?
  - Don't ignore care, palliation, chronic illness
- Are you making it harder for other people in or affected by the health care system to do the right thing?

## Step Four

### ethical tests and considerations

In conducting an ethics-based analysis of policy options, certain ethical issues deserve special attention.

- 1 Use four key tests to evaluate the choices available.
  - **Fiduciary Test:** are you promoting the health care interests of present and future populations in a fair and even-handed way?
  - **Fair Dealing Test:** are you dealing fairly with all parties by respecting their rights?
    - All parties includes patients, families, providers, and the general population
    - Rights include legal and moral rights; some rights are to specific outcomes and others are to fair processes
  - **Good Stewardship Test:** are you acting as a good steward by using public resources efficiently for legitimate intended purposes?
  - **Public Processes Test:** are you using open and accountable processes?
- 2 Are there any ethically acceptable options remaining?
  - Not everyone will necessarily agree on the best option. Sometimes you will be choosing from within a range of relatively good options and at other times it will be a choice from a set of relatively poor options. But remember that there are times when principled people have to say there are no morally acceptable options remaining. As a meso-level decision-maker you can be put between a rock and a hard place by those at the macro level, the meso level or the micro level.
- 3 If yes, proceed to step 5. ↗

## 4 If no, then act with integrity.

- Ask for moral space from those who have left you with no room to make an ethically acceptable choice whether it from the micro, meso or macro level
- If they can't or won't provide this space, then you have hard decisions to make about resignation and going public

## Step Five

### from the remaining options (if any) make your decision & learn from it

- 1 Make the decision.
- 2 Live with it.
- 3 Learn from it.
  - Formal steps for evaluating decision and policy-making processes can be very helpful for ensuring that everyone learns from the policy-making experience. This highlights the need for good CQI processes and measures.
  - Develop and use an informative consultation process to test the perspectives of affected groups to see how your decisions impacted them.
    - The questions in Step One can also be helpful for this.