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.

3 If yes, proceed to step 5. ➔