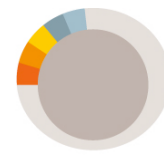


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Ethical Considerations in Avian Influenza Pandemic Preparedness in Romanian Prisons

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Which ethical issues are more likely to arise in prisons considering the risk of a flu pandemic event? Romania has a National plan of intervention for pandemic influenza since 2005. Our ministry of health has established a methodology for avian influenza cases surveillance in 2006. Application of the orders of the Romanian ministry of health (if not adapted) is mandatory in prisons. We have not written a specific preparedness plan for prisons. Therefore any pandemic situation would be managed by regulation orders of the ministry of health.

The legal framework

To face an epidemic, we have to balance individual rights and community interests. Actions and measures must be legal but they first have to be scientifically grounded. To overcome a pandemic event it is widely recognized that we would need transparency in public action and a strong social mobilization.

In the ethical perspective, we try to promote equitable access to vital resources that could potentially lack. Moreover, isolation, quarantine and social distancing measures must be ethically grounded. One of the key problems would be to isolate symptomatic individuals and control their contacts. But what can be done if in a semi-open section of about 500 prisoners a few flu cases are reported?

In any institution, healthcare staff has to comply with moral, professional and contractual obligations. When we intend to foresight the impact of a flu pandemic on our institution, we are led to ask: "what could be the proportion of our ill (or missing) staff?" If staff is expected to comply with rules, everything has to be done to minimize its risk exposure.

Some ethical guidelines have been released for prisons¹. The right to health in prisons is based on three fundamental principles:

- access to doctor;
- equivalence of care (regarding both services and conditions)
- patient consent and confidentiality rules respect.

We can foresee that many prisons would be deprived of a doctor in a pandemic time. This is off course worrying as doctors have key functions:

- first, providing appropriate medical care and advice;
- advising the prison management on matters related to nutrition or to the environment in respect of hygiene and sanitation;
- information, prevention and education for health;
- dealing with particular forms of pathology and preventive healthcare in prison;
- professional training of prison healthcare staff.

Transmitted diseases monitoring and care raise specific ethical questions. Isolation measures can be medically grounded², but kind of effective separation can be obtained in overcrowded prisons? Some pandemic flu scenarios put forward ratios of infected prisoners exceeding 50 %.

The ethical implications of legal preparedness

Legal preparedness is a main ethical issue. No one should doubt it. Prisoners are not mentioned in the Romanian plan. What does it imply? First, is it truly necessary to devise a specific plan for prisons? A plan could be written for prisons or maybe the prison administration could write it. Whatever choice is to be made, it has to be socially acceptable.

If our official plan does not carry any specific mention of prisoners, does it mean that they would have access to medical interventions on the basis of the same criteria as the general population?

Were a flu pandemic to occur, central and county coordinating and responsible organisms would be entitled to act. We can notice that, in the county committee, there is no representative of the penitentiary sector. Are local county plans to be elaborated? If nothing is stated for prisons, then would the general plan have to be sent to prisons?

¹ Recommendation No. R (98) 7 of the Committee of Ministers to Members States concerning the ethical and organisational aspects of health care in prison.

² Recommendation No. R (98) 7 states in this field: "The isolation of a patient with an infectious condition is only justified if such a measure would also be taken outside the prison environment for the same medical reasons".

In Romania, our system manages 38 prisons that detaining 27,000 prisoners. Every prison has one or two doctors and about five or six nurses. It is forecast that between 50 and 90 % of prisoners would get flu if a pandemic virus strain had to spread in Romania. How many staff would be available? Who would take care of prisoners?

Basically, almost every prison owns a single old so-called “ambulance”, deprived of any device to maintain the patient vital functions. Sometimes, the nearest prison hospital is at a distance of 500 kilometres. If healthcare staff is not available in a prison, prisoners would have to be transferred to the local public hospital. Obviously it is only possible to resort to prison hospitals facilities if they are close enough of prisons.

Prison hospitals have about 1,500 beds. It is forecast that a pandemic flu would generate a need for urgent hospital care of a population ranging from 1350 to 2430 prisoners. This statement raises a few questions. Where will prisoners be hospitalized if they need? How do they have access to ICU based on the same criteria? Will some of them be transferred to public hospitals, going there with guardians?

Considering the management of stocks of medicines and consumables, deep ethical dilemmas are raised. For instance, what procedure should be followed in the use of protection masks? Will all staff members and prisoners need masks?

Vaccination is a very sensitive issue too. Prisoners are not mentioned as priority group even though they are vulnerable and more likely to get flu. We still have to answer this question: Do we need to vaccinate all prison population and prison staff?

Communication is fundamental, especially when dealing with very difficult issues such as the fate of prisoners during a pandemic. It would be clever to communicate before a pandemic flu occurs. Again, a key question has to be considered: do we need to tell the public that is not only ethical to take care of prisoners but much more utilitarian because if more of them will get flu more of us will get it?

Today we have to decide whether prisons should have stockpiles or not. If they should, we are facing an alternative. Provisions could be part of the national plan (at least to be sure that the same criteria will operate) or they could be part of a special plan (with positive discrimination for prisoners and prison staff).