

Government Regulation in Public Health: Vaccination & Obesity Case Studies

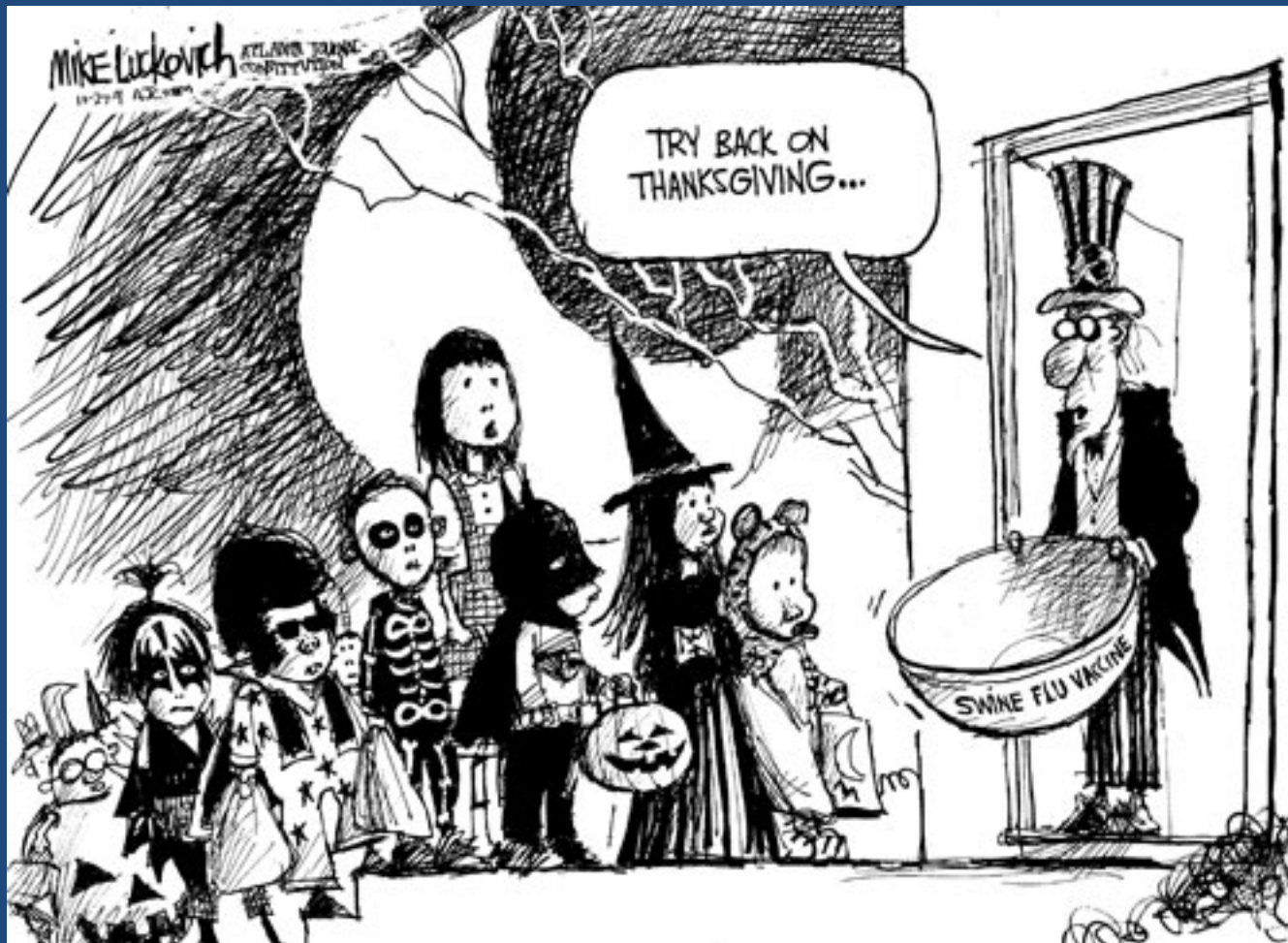
Amy T. Campbell, JD, MBE
Upstate Medical University
ASBH * October 22, 2010

Today's Objectives

- A classic case revisited: NYS Vaccine Mandate
- Brief review of data @ obesity
- Positioning of obesity as an individual health issue to a public health concern (and then to a cost concern?)
- Obesity regulation – AL, NC, NYC Case Studies

NYS Vaccine Mandate

The Vaccine



NYS Vaccine – News Spin

AMA MANUAL OF STYLE, 10th Edition
Online Version Now Available!

amednews.com
American Medical News

SECTION: PROFESSION

AMA meeting: No flu shot mandate for doctors; hand sanitizer pushed

The AMA will study if there's any benefit from requiring all health professionals to receive influenza vaccine.

By KEVIN B. O'REILLY AND DAMON ADAMS, *amednews.com* Staff, Posted Nov. 23, 2009

Houston — The AMA House of Delegates rejected a proposal to mandate vaccinations for health-care professionals but approved other policy to prevent the spread of seasonal flu and influenza A(H1N1).

A resolution by the Infectious Diseases Society of America said the AMA should back universal seasonal and H1N1 flu immunizations unless health professionals have medical contraindications or religious objections. In October, New York state announced that it was requiring all health professionals to get the H1N1 immunization, but the mandate was suspended later that month due to vaccine shortages.

"It is our ethical duty to do no harm and prevent transmission of disease to patients," said Michael L. Barber, MD, an alternate delegate who spoke on behalf of the Infectious Diseases Society of America. The society offered a resolution calling for the AMA to back universal seasonal and H1N1 flu immunizations for health professionals.

Delegates said hand sanitizer dispensers should be available in well-trafficked areas.

Interim Meeting 2009

- 1. Medical ethics
- 2. Public health
- 3. Other actions
- 4. Full session PDF
- 5. Meeting services
- 6. AMA meeting site

HELP

- Search box
- E-mail alert
- Radio
- RSS
- Mobile
- Subscribe

“AMA meeting: No flu shot mandate for doctors...”

What are you waiting for?
Anything's Possible. Keep Thinking.

timesunion.com

Nurses to sue over H1N1 shots

They object to state mandating health workers be vaccinated

By SCOTT WALDMAN, *Staff writer*
First published on print: Tuesday, October 13, 2009

ALBANY — Louise Patterson is willing to take on New York's top health official for her right to be the vaccinated.

The registered nurse in Albany Medical Center's emergency room is among a group of nurses who plan to file a lawsuit against state Health Commissioner Dr. Richard Daines to prevent the mandatory vaccination of New York's health care workers with the H1N1 flu virus.

"It takes away our freedom of choice," Patterson told reporters during a news conference Monday. "Our health is being affected."

The deadline for the state's health care workers to receive the swine flu vaccination is at the end of next month, though some employers have moved that up to the end of this month.

The four nurses will file a lawsuit against the state. One week to prevent the forced vaccination, said their attorney, Terence I. Kilduff.

"This is a significant civil rights issue," Kilduff said. "We think people are being forced to do something by the government."

If Patterson and Kathryn Gugins do not receive their shots within the next two weeks, they will likely lose their jobs in the emergency room at Albany Medical Center. Patterson said the vaccination was rushed into production in a matter of months and that its effect has not yet been properly studied.

Daines said the vaccination could be dangerous for people, including pregnant women, and that more time is needed to understand its effectiveness. She said she is not willing to risk her health and does not think it is fair that she should lose her job.

Outside of New York City, 91,000 FluMist doses — the inhaled form of the vaccine — were delivered by the end of last week. Health care workers are at the front of the line for those to receive the first round.

A similar suit filed last week in New York City names Commissioner Thomas and Jeffrey Klein, chairman of the state Hospital Planning and Review Council, and contends it is beyond the state's authority to mandate getting the vaccines. Kilduff said the New York Civil Liberties Union and other groups may file similar legal action in the coming weeks.

Daines has said that vulnerable people and those who haven't been immunized come to hospitals and that they need to be protected from the possibility that medical workers carry the virus. The commissioner has said health workers in hospitals, clinics and other settings must be vaccinated by Nov. 20 or risk losing their jobs.

The U.S. Centers for Disease Control estimates it will have provided states with 186 million doses of the H1N1 vaccine by January. New York officials expect the state to receive 6.7 million doses for upstate and 5 million doses for the city.

New York is the first state to mandate flu vaccinations for health care workers. The nurses preparing to file the lawsuit have already collected more than 400 signatures of health care workers against the forced vaccinations and are helping plan a rally scheduled for this Wednesday at the Capitol.

Scott Waldman can be reached at 434-3080 or by e-mail at swaldman@timesunion.com.

“AMA meeting: No flu shot mandate for doctors...”

Vaccine Awakening

MONDAY, JUNE 01, 2009

NY Rally & Grassroots Action Defending Vaccine Choice

by Barbara Lee Fisher

As government-employed doctors and attorneys, along with drug company lobbyists, move to persuade legislators to deny citizens the legal right to make voluntary vaccine decisions, families in different states are working hard to raise public awareness about the need to protect the legal right to make informed, voluntary decisions about vaccination. Tomorrow, Tuesday, June 2 at 10:30 a.m., parents will rally at the Legislative Office Building in Albany, New York to protest proposed new vaccine mandates and support legislation protecting religious exemption and widening medical exemption. They are voicing opposition to a bill that would mandate HPV (Gardasil) vaccine for sixth graders and one that would allow state-designated vaccine providers to give children hepatitis B shots without the informed consent of their parents.

New York Rally for Vaccine Choice

Parent groups in New York have been working since the 1980's and 90's to protect vaccine exemptions. A New York high court ruled in 1987 that parents do not have to belong to an organized church or religion to receive a religious exemption to vaccination. However, that has not prevented New York state-appointed attorneys from striking parents about their religious beliefs for the purpose of denying the religious exemption. For more information about the June 2 rally in Albany go to www.VaccineChoice.com

Washington, D.C. Parents Challenge Gardasil Use Law

In Washington, D.C., members of the Parents and Citizens Committee to Stop Medical Experimentation in D.C., a citizen health action group founded in 2007, testified in an April 9 D.C. City Council meeting about the HPV vaccine mandates requiring sixth grade girls to get three doses of Gardasil vaccine. Although there is currently an opt-out provision in the law, parents and health advocates are protesting the lack of vaccine risk information given to girls and parents prior to vaccination and the lack of public awareness that girls can opt-out of the HPV vaccine mandate.

New Jersey Parents for Conscientious Belief Exemption

In neighboring New Jersey, parent groups have been working since the 1980's and 90's on legislation to protect the freedom to make voluntary vaccine decisions. For the past decade, the citizen action group, New Jersey Alliance for Information Choice in Vaccination Choice, CHAIVC, has been educating legislators about the need to enact a conscientious belief exemption bill. A newly formed coalition of organizations supporting vaccine choice in New Jersey has added support to the citizens-led vaccine education campaigns in a state which mandates more vaccinations for children than any other state (35 doses of 13 vaccines).

West Virginia Parents in Court to Protect Vaccine Injured Child's Life

Parents living in West Virginia and Mississippi, the two states which allow only a medical exemption written by an M.D. or D.O., continue to suffer discrimination in their struggle to obtain the legal right to file vaccine exemptions for sincerely held religious, conscientious or philosophical beliefs. A citizen action group, West Virginia for Vaccination Exemption, has been working for 10 years to obtain a religious and/or conscientious belief exemption to vaccination. Parents in that state are now going to court to defend their religious beliefs regarding vaccination, with one mother trying to protect her daughter, who regressed into autism after vaccination, from being forced to get more vaccines that could further damage her brain and immune system.

Mississippi Creates Anti-Discrimination Petition

In Mississippi, a recently formed parent support network, the Mississippi Vaccine Information Center is working on legislation to end discrimination

“..Defending Vaccine Choice”

Obesity Regulation / “Fat Tax”

Obesity: Prevalence #s



BMI		Waist less than or equal to 40 in. (men) or 35 in. (women)	Waist greater than 40 in. (men) or 35 in. (women)
18.5 or less	Underweight	--	N/A
18.5 - 24.9	Normal	--	N/A
25.0 - 29.9	Overweight	Increased	High
30.0 - 34.9	Obese	High	Very High
35.0 - 39.9	Obese	Very High	Very High
40 or greater	Extremely Obese	Extremely High	Extremely High

Cost Data

- 2006: An obese person cost 41.5% more in med expenditures than “normal weight” peer
- 2008: 9.1% of US health care expenditures related to obesity
- CDC estimates obesity related conditions cost US employers \$117 billion/year

Finkelstein et al 2009; Hellmich 2009; Pomeranz & Gostin 2009 (respectively)

How We Show Obesity



A Weight-loss Surgery Website!



How We “Confront” Obesity



“Stick” Approach

State Insurance Plan Approach:

- Alabama: \$25/month surcharge
- North Carolina: 80/20 v. 70/30 plan

Restricting Public Benefits:

- New York City: No sugary drinks with food stamps

Summary: PH & Policy

We think there's a problem, so let's do something ("we're mad as hell...")

- Data to support PH-like policy efforts
- On-going evaluation of policy interventions
- Consider unintended consequences & tradeoffs, including ethical (not just economic)

Thank You!

Amy T. Campbell, JD, MBE

Assistant Professor, Upstate Medical University and
Syracuse University College of Law (courtesy)

Associate Faculty, Bioethics Program of Union
Graduate College-Mount Sinai School of Medicine

campbela@upstate.edu

<http://www.upstate.edu/bioethics/>

*Full references in PPT available from AT Campbell; please contact.