



HE'S GOING  
TO BE JUST FINE,  
MRS. BOVEE... BUT WE  
WOULD LIKE A WORD  
WITH YOU ABOUT HIS  
UNDERWEAR.

EMERGENCY

Your Grandmother's Worst Nightmare

# The Case of Vaccine Refusal: Parent Conviction, Child Best- interests, and Community Good

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# Vaccination



# Purpose of Vaccination Policy

- Protection of individuals from disease
- Protection of community from disease spread
- Eradication of disease from community



# Issues

- Do parents have a duty to vaccinate their children?
- Under what circumstances should parents be required to vaccinate their children?
- What should the pediatrician's response be toward parents who refuse vaccination?

# A Faulty Characterization

Autonomy

vs.

Beneficence



# Beneficence

- “To Do Good”
- Obligation to seek the good of others
  - Avoid inflicting harm
  - Prevent harm
  - Promote good



# Beneficence

Medicine is a form of applied beneficence



# Beneficence

Medicine is a form of applied beneficence



....so is parenting

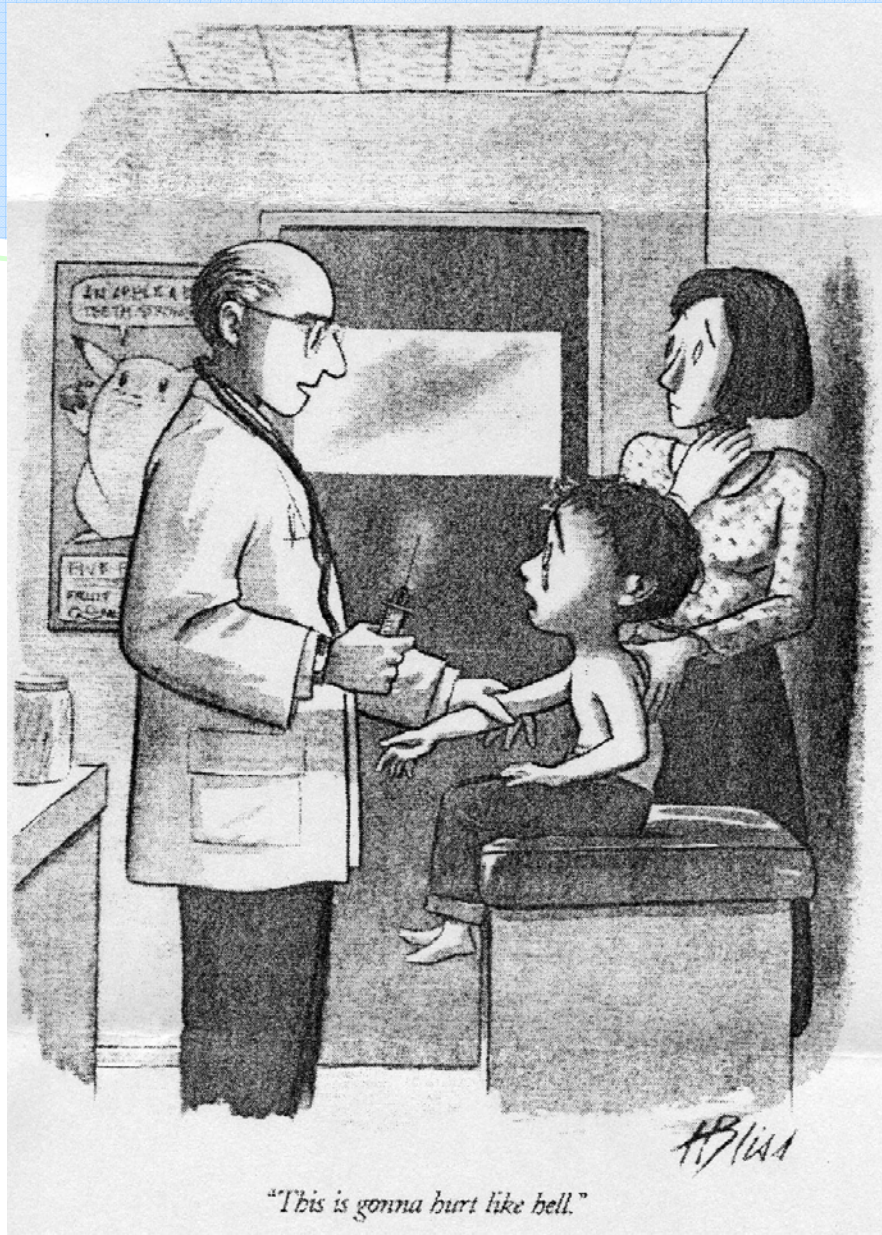


# Beneficence and Decision-making: Different ways of Seeing

- Best Interests encompass spheres other than the medical: Total Well-being vs. Medical Well-being
- Trade-offs between competing medical goods: i.e. comfort vs. life extension vs. cure
- Balancing benefit and harms of a given therapy







*"This is gonna hurt like hell."*

# The Harm Principle

“The only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.”

--John Stuart Mill, *On Liberty*



# When is it justifiable to restrict individual freedom?

- When action or decision places another individual at substantial risk of serious harm
- Restriction of freedom must be effective in preventing that harm
- No less restrictive alternative exists that would be equally effective at preventing the harm

# Vaccination and the Harm Principle

- Harm to the Child: Beneficence and Best Interests
- Harm to “innocent” third parties: Justice

# Children and Vaccination: Harm to Child

- Decision whether to vaccinate made by others (parents)
- Child bears burdens and benefits of the decision

# The Best Interest Question

- What is in the best interest of the individual child, and does a parental decision to refuse to vaccinate a child place that child at substantial risk of significant harm?

• The Answer: It depends...

# Factors that Affect Individual Benefit from Vaccination

- Disease Prevalence
- Immunization Rates (Herd Immunity)
- Mode of Disease Transmission
- Potential contact with Disease agent
- Morbidity of Vaccine
- Severity of Disease being prevented

# Best Interest of Children and Parental Refusal to Vaccinate

- As disease within a well immunized population becomes rare, parents may have an interest in avoiding vaccination for their children.
- If vaccine refusal puts child at significant risk of serious harm, state intervention may be justified to protect helpless or vulnerable persons.

# Best Interest of Individual Child

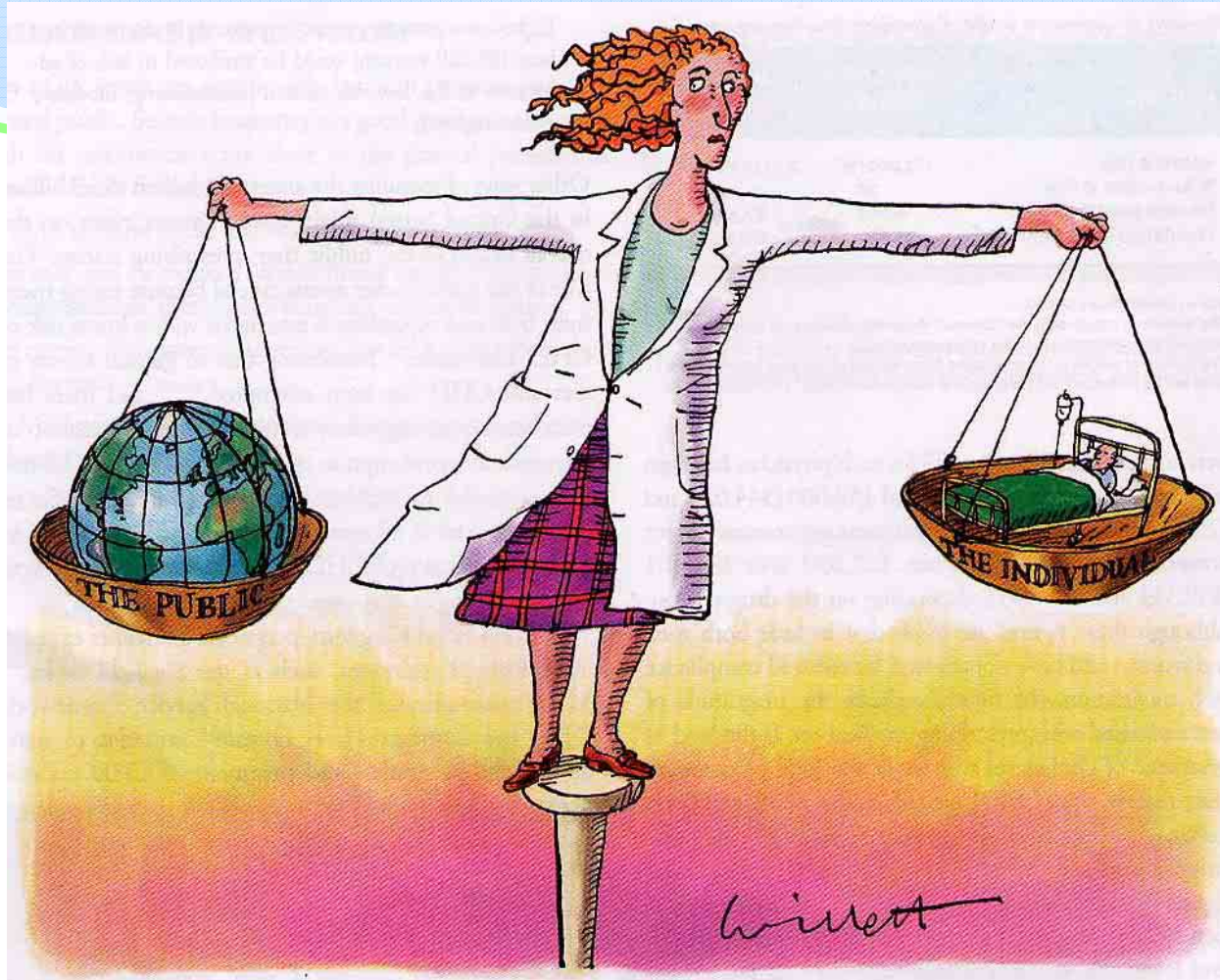
- Vaccination when disease prevalence is high and/or immunization rates are low
- Refusal of vaccination when disease prevalence is low and/or immunization rates are high?
- Short-term vs. Long term interests
- Problem of the Commons: “Freeriders.”





# The Justice Question

- What duty exists to prevent harm to others in the population?



# Individual Duty and Community Interests

- Individuals have a duty not to impose harm on others.
- Vaccination programs exist to reduce harm to those within the population
- Those who refuse vaccination may put others at risk of harm, including those participating in the vaccination program.

# Consequences of Exemption

- In United States, Exemptors are 35 times more likely to contract measles than vaccinated individuals
- Outbreaks frequently begin in exemptors and then spread to those with inadequate vaccine protection

# Harm and Refusal of Vaccination

- Most likely to be harmed are those refusing vaccination
- Children are involuntary participants in vaccination non-participation
- Vaccine non-responders

Costs to society of disease among those who refuse vaccination

# When can state action be justified?

- “Harm Principle”: State intervention (coercive) may be justified when the individual decision or action places others at substantial risk of serious harm.
- State action must be effective in preventing the harm.
- No other options less intrusive to individual liberty are available

# State Coercion and Vaccination

- Justifiable during disease epidemics
- Not necessary if voluntary vaccination levels high enough to keep disease prevalence low
- Justifiable to protect helpless individuals from significant threat of harm (*parens patriae* doctrine)

# The Physician's Obligation

- Absent state authority, the physician cannot treat or vaccinate without parental consent.
- State agencies should not be involved unless the parental decision places the child at substantial risk of serious harm (i.e. neglect)

Respectfully continue to work with the family



# “Firing” Families who Refuse to Vaccinate

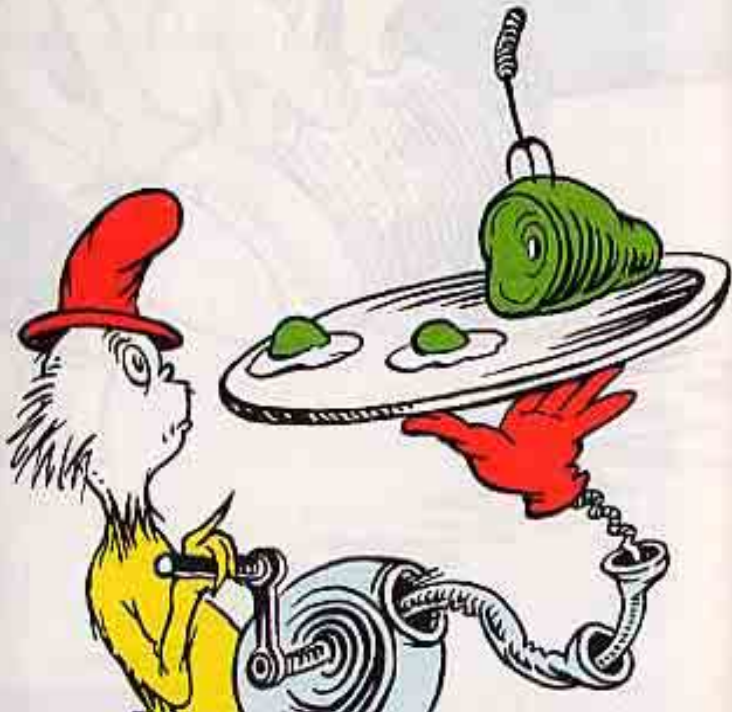
- Self-Defeating
  - Unlikely to accomplish goals
  - May further harm the child
  - Undermines trust in physician and organized medicine
- Continued dialogue shows concern and respect



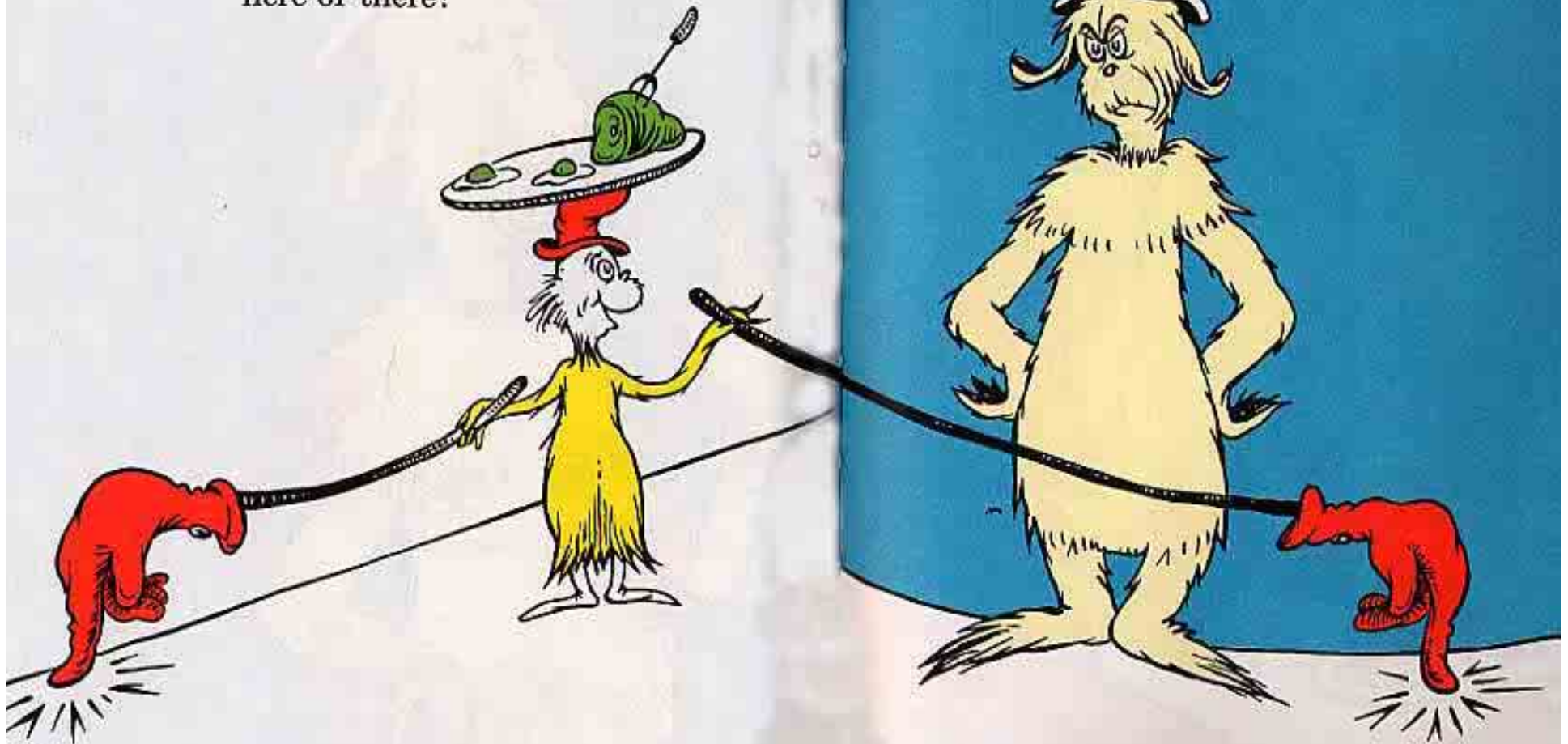
Do you like  
green eggs and ham?



I do not like them,  
Sam-I-am.  
I do not like  
green eggs and ham.



Would you like them  
here or there?



I could not, would not, on a boat.  
I will not, will not, with a goat.  
I will not eat them in the rain.  
I will not eat them on a train.  
Not in the dark! Not in a tree!  
Not in a car! You let me be!  
I do not like them in a box.  
I do not like them with a fox.  
I will not eat them in a house.  
I do not like them with a mouse.  
I do not like them here or there.  
I do not like them ANYWHERE!





Say!  
I like green eggs and ham!  
I do! I like them, Sam-I-am!  
And I would eat them in a boat.  
And I would eat them with a goat . . .





I do so like  
green eggs and ham!  
Thank you!  
Thank you,  
Sam-I-am!



# The Green Eggs and Ham Phenomenon

- Consistent preferences do not guarantee an understanding of what is at stake
- Certainty about one's preferences increases as one is repeatedly challenged

# First Rule of Dispute Resolution



Don't Force It



That Sam-I-am!  
That Sam-I-am!  
I do not like  
that Sam-I-am!

# The Green Eggs and Ham Phenomenon

- Consistent preferences do not guarantee an understanding of what is at stake
- Certainty about one's preferences increases as one is repeatedly challenged
- Refusals may reflect a dislike for the provider, rather than a dislike of what the provider offers



# LEVELS OF PATIENT CARE:



INTENSIVE CARE

ROSE SIDE  
1988  
© 1988 ROSE SIDE  
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CORONARY CARE



WE DONT CARE

# Talk is Cheap

- At present reimbursement rates, the cost of providing immunizations barely covers the costs to the practice of administering them.
- Providers increasingly likely to refer patients to public agencies for vaccination.

Glazner et al. Pediatrics 2004; 113(6): 1582

# Justice, Policy, and Vaccination

- Vaccination programs are important to the public health and a community good
- Benefit of vaccination program shared by the entire community, including those who refuse vaccination (Free-riders)
- Burden of vaccination programs should not be borne exclusively by individuals participating in vaccination program



# Policy Issues

- Vaccination provided at public expense
- Adequate compensation for losses and health care related to vaccine related injury should be provided by public
- Tax-based system of compensation
- Tax incentive to participate in vaccination program “levels the playing field.”

