Fairness: Social Contract Rules

Basic Idea: The right moral rules are those which would be chosen by rational persons under the right circumstances.
- no overriding self-interest
- no coercion
- commitment to live by the rules

Rawls' Rules:
The right moral rules are those which would be chosen by rational bargainers, in the Original Position, behind the veil of ignorance.

- Rational bargainers
    - people who are mentally competent
    - and are aware of the relevant facts
- Original Position
    - bargaining situation where the rules chosen will bind us all
- Veil of Ignorance
    - bargainers don't know enough about selves to bring self-interest to bear, and are concerned that will be least well off.

SC Decision Procedure
- What are the possible rules?
- For each rule
    - Would it be chosen by rational bargainers in the OP behind the VI?
    - Would it be acceptable to the least well-off?
- Social Contract and Health Care
    - Patient is least well off, so in treating patient, health care team should follow rules that would be accepted by rational bargainer in OP.
- .

Justice and the Allocation of Health Care

Basic Question: How should health care be funded and provided?

What is the goal of health care?
- "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". (WHO 1976)
- "Health is a state of physical well-being, which need not be complete, but ought to be without significant impairment of function." (Callahan, 1973)

Health Care Distinctions
- Emergency vs. non-emergency
- Acute vs. chronic
- Preventive vs. curative
- Standard vs. experimental

- Ordinary vs. extraordinary

First Principle: Equality
Basic social goods should be distributed equally.
- What is the basic social good in health care?
  o Health care (measured in dollars, visits etc.)
  o Certain kinds of health care

- Generational equity
  o Between generations?
  o Over a lifespan?

Second Principle: Contribution
- Basic social goods should be distributed on the basis of one's past contribution or future potential.
- Some questions for health care.
  o Should health care be limited for lifestyle illnesses?
  o Should health care be limited at end of life?
  o Should health care be focused on young?

Third Principle: Need
Basic social goods should be distributed on the basis of need and ability to pay.
- Implications for health care
- Public subsidy for poor and private pay for non-poor.
- What counts as poor? Do the poor get the same standard of care as private pay?

Fourth Principle: Market
Basic social goods should be distributed by the market.
- Implications for health care
  o Private pay

Fifth Principle: Rawls
Basic social goods should be
- available to all under conditions of fair equality of opportunity;
- distributed by appeal to greatest benefit of the least-advantaged members of society (the difference principle)

Competing Models for Paying for and Providing Health Care

Private Pay Model
- All health care should be funded by individual patients,
- in whatever arrangement they choose

- o private insurance
  - o health savings accounts
  - o private pay
- provided by private (usually for profit) enterprises.

Single Payer System
Government agency, taxpayer funded

Two Tiered System
- Some basic health care distributed equally (or on the basis of need) while others should be private pay.
- Questions for health care
  - o How do we distinguish between what should be distributed to all and what should be private pay?

Rationing:
What do we do when we simply do not have enough health care dollars to supply everyone with the health care we think they deserve?

Private pay model
- People get what they can afford and are willing to pay for.
- Insurance companies decide.

Single payer
- Public agencies decide.

Two tiered
- Decisions made on two levels.

Rationing strategies
- Pay only for basic health care.
- Pay only for procedures that have a good probability of success.
- Non-experimental, healthiest patients
- Treat the sickest first.
- Focus on prevention.
- Focus on young.