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
private insurance
  • 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.