

“Vaccination rates: how to  
get from what is to better.”

I serve as the unpaid chair of the Compassionate Use Advisory Committees (CompAC), independent panels of internationally recognized medical experts, bioethicists, and patient representatives formed by NYU School of Medicine in collaboration with Janssen. CompAC advises Janssen about requests for compassionate use of its investigational medicines. NYU receives administrative funding from Janssen to facilitate the CompAC committees.

I discuss emerging issues in research ethics with WIRB/WCG leadership. I also give lectures on research ethics topics to WIRB/WCG staff and fellows. The Division of Medical Ethics also has a grant from WIRB/WCG to provide education as part of an annual international research ethics fellows educational program held at NYU.

I consulted in 2017-2019 for Sangamo, Boehringer, Sanofi, Novartis (all compassionate use, unpaid), FNIH (unpaid), CSL, Glaxo, Fox Chase Cancer Center, Abeona, Genae/Cardialen-DSMB, Parker Waichman LLP, Nelson Mullins Riley & Scarborough, LLP, UroGen Pharma, Inc., Otsuka and Cabaletta Bio.



## Introduction

The challenge of vaccination in the USA

Rates for vaccination. Some slippage in certain areas  
Terrible in many nations  
But some success

### Current examples

Flu Vaccine. HCWs Success

MMR for kids. Some success. CA, MI

## WHAT TO DO?



## Facts alone are not enough to increase vax rates

Anti-vaxxers lie

Social media propagates lies and misinformation

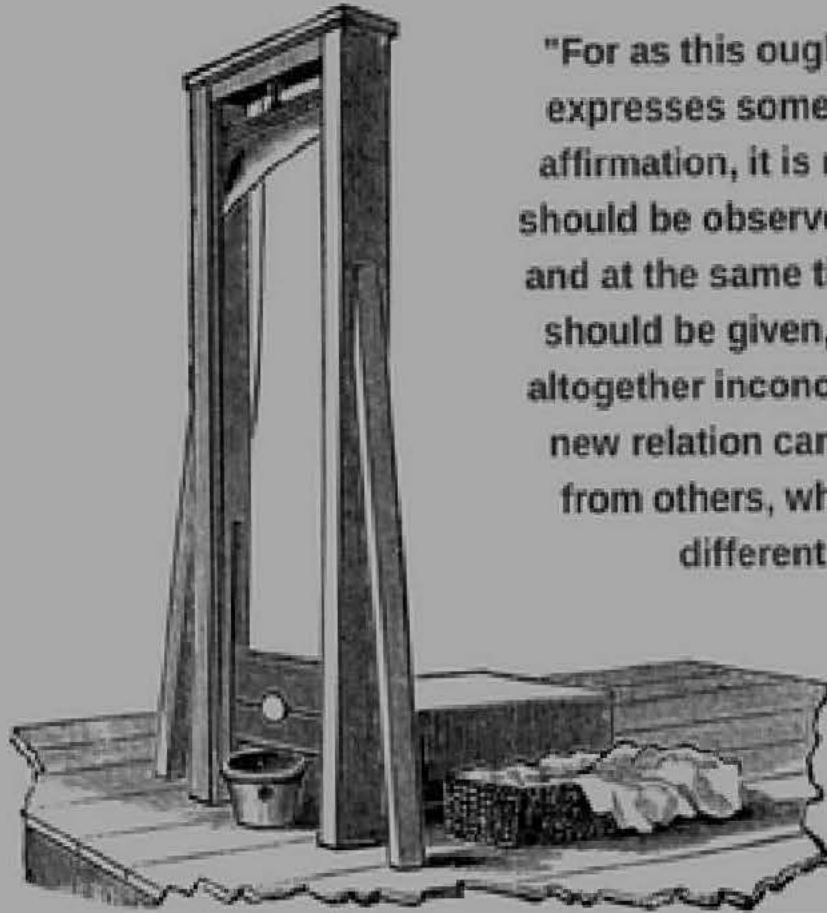
Campaigns to provoke fear in certain communities. Somalis, Orthodox Jews, African Americans

Facts sometimes look weaker than they should!

Facts are 'is'. Behavior change requires 'ought'

# Hume's Guillotine

Obtained by ICANdecide.org via FOIA



"For as this ought, or ought not, expresses some new relation or affirmation, it is necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it."

## How to get from 'Is' to 'Must'

Know the moral framework justifying vaccination!

For HCW Flu- they were a combination of professional duties plus moral obligations

For -general public. Duty to protect oneself, the weak/vulnerable, adults need to be able to serve as caregivers, ne a good neighbor/community member

For children. Social duty to protect the non-autonomous, parental choice/beliefs must yield to death and disability prevention, protect the vulnerable, children have rights, state must protect their lives

## Vaccination of healthcare workers for flu

- Healthcare worker = someone who comes into contact w/patients, including clinical/non-clinical staff who work in spaces where patient care is delivered
- Voluntary vaccination programs for healthcare workers had been undertaken with 'crummy' levels of success in various organizations.
- 58.6% of clinicians/healthcare workers employed in treating and diagnosing patients reported vaccination for seasonal influenza; nursing homes, dental offices worst
- People knew facts — necessary but not sufficient to drive policy change
- **Need ethics**

## Flu HCWs

The CDC has advocated for healthcare workers receiving vaccination for seasonal influenza yet rates remained less than two thirds of all healthcare professionals including doctors, nurses, nurses aides, dentists, PTs, other techs

## Update: Flu Activity, U.S., 9/30/18–2/2/19 (*CDC estimates of cumulative prevalence of influenza*)

From 10/1/18-2/2/19 flu virus has caused:

- 13.2 million - 15.2 million symptomatic illnesses
- 6,170,000–7,220,000 medical visits
- 155,000–186,000 hospitalizations
- 9,600–15,900 deaths

28 pediatric deaths in recent season reported to CDC. Of 22 eligible for vax and rest whose vax status known:

*CDC Morbidity and Mortality  
Weekly Report 68:125-134 (2/15/19)*

## Failure to vaccinate: health burden on community-- economic and access to health

- Vaccination, and failure to vaccinate for seasonal influenza, has been associated with adverse health outcomes that require costly treatment
- You are at risk when ERs are full **and divert**
- **You may not get an operation or transplant due to the flu**
- Vaccination from seasonal influenza offers an estimated \$46.85 per person cost savings in terms of reduced illness, and healthcare-related costs.

## Vaccination of healthcare workers

- Patients first!
- Do no harm
- Protect the vulnerable
- Be a good role model

## The Moral Argument for Vaccinating Healthcare Workers

- Every ethics code for physicians, nurses, nurses aides, social workers, pharmacists, other healthcare professionals states very clearly that that patient interests must come before provider interests
- All healthcare workers must honor core medical ethics requirement: Do no harm. Vaccination helps prevent disease transmission to patients: most fundamental moral requirement demands those in care-giving roles treat vaccination as obligatory
- Healthcare workers have special duty to vulnerable: Newborns, infants, cognitively impaired, elderly, immunocompromised can do little to protect themselves from diseases in hospitals/nursing homes/home care settings.
- Healthcare workers play key role in ensuring general public gets flu/ other important vaccines — ethically important that they set a virtuous example.

## Expanded Flu Vaccination Program at NYU

- In 2016, one large, urban health system, NYU LMC, undertook a program that extended the vaccine mandate from healthcare workers to *all* employees, even those who do not work directly in clinical care settings. (Total number of employees = 25,533)
- First health system to extend a vaccine mandate beyond healthcare workers to *all* employees of the system.

## Results

- Overall rate of compliance: 98.6% (n = 25,165);

### Declinations:

- 0.010% (n=360) submitted medically related declinations, 156 approved
- 0.004% (119) submitted religion-based declinations, 29 accepted

## Vaccination of Public for flu or other infectious diseases. an obligation

- **Protect the vulnerable,**
  - fetus, newborn, elderly, immunocompromised
- **Protect your own life/self care**
- **Be available to care for dependents**  
(anti-smoking)
- **Be able to perform critical roles/jobs**
- **Be a responsible community member**

## Vaccination of children and restricting exemptions

- Protect children's lives.
  - Overrides parental values and choices when life and death
  - State insists no to beating children, yes to car seats, bike helmets, tx of minor for reproductive services, override for life-saving txs

## Children's rights in USA common law

The federal or state government has broad authority to regulate the actions and treatment of children. Parental authority is not absolute and can be permissibly restricted if doing so is in the interests of a child's welfare.

The United States Supreme Court, in the case of *Prince v. Massachusetts*, 1944, in ruling that a parent's religion does not permit a child to be placed at risk.

## Vaccination of children

- Do not allow bogus values to override protection of children

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## Restricting exemptions. Does it work?

California.

In 2015, California passed Senate Bill 277 (SB277), which banned nonmedical exemptions from school-entry vaccine mandates. Rates improved

Michigan

made it harder to get phil exemptions 2014

They decreased from 2014 to 2015 for all school types but remained highest among private schools.

- The Impact of Michigan's Nonmedical Vaccine Exemption Rule Change on Philosophical Exemption Rates 2019

## Vaccination of children

- Preventable harm to others allows restriction of liberty
- And I believe **creates liability for knowingly causing preventable harm!**

## Bottom Line

- Use Ethics arguments to-
- Regain the high crowd in the public square—anti vaxxers are selfish, bad neighbors, indifferent to the vulnerable
- Change behavior. Guilt hesitators and resisters (and encourage them—right thing to do!)
- Restrict exemptions
- In social messaging and with media
- To make arguments for better access and amnesty for those afraid to go to health system to vaccinate