

## CS #4: Healthcare Data (Discussion Preparation)

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### **Question 1 (a) Answer:**

Firstly, I think the Infinity executive has obligations to the Infinity company and employees, because he is the leader of Infinity, and it is his job to earn more partnership or business contracts so that the tech company Infinity can make more profits. Secondly, I think the Infinity executive has obligations to Providence, because Infinity should help Providence modernize data utilization and storage, which is very important in this partnership. Thirdly, I think the Infinity executive has obligations to the patients of Providence, because Infinity should develop data utilization tools to provide long-term benefits to the patients, and Infinity should also ensure the security of patients' data.

### **Question 1 (b) Answer:**

Firstly, I think the Providence executive has obligations to the Providence healthcare system including the board of Providence executives because the board is the big boss who can make the final decision about this partnership. Therefore, whether the Providence executive can address his concerns or not, he has to represent Providence to work on this partnership. Secondly, I think the Providence executive has obligations to all the patients of Providence, because Providence needs to give Infinity access some of Providence's real patient data, including protected health information, which could raise some data security and privacy concerns. This means that the Providence executive must make sure that this partnership with Infinity will provide lots of long-term benefits for the patients themselves, therefore the Providence executive has obligations to all the patients of Providence.

**Question 2 (a) Answer:**

The Infinity executive has the first duty to successfully earn (achieve) the partnership with Providence. After establishing this partnership, the Infinity executive has the second duty to help Providence modernize data utilization and storage. The infinity executive has the third duty to abide by the legality of the agreement with respect to protected health information. The Infinity executive has the first moral obligation to ensure (or protect) the security and privacy of real patients' data. The Infinity executive has the second moral obligation to provide long-term benefits for the patients by using the patients' data.

**Question 2 (b) Answer:**

The principle that underlies the first duty is to make more profits for Infinity. The principle that underlies the second and the third duty is to act up to the contract and to obey the law. The principle that underlies the two moral obligations is that the Infinity executive has a responsibility to the patients of Providence, including the patients' data security and the long-term benefits promised by modernizing data utilization and storage.

**Question 2 (c) Answer:**

I think the most important duty for the Infinity executive is to successfully earn (achieve) the partnership with Providence, because this is the prerequisite for Infinity to make more profits, which is one of the Infinity executive's major tasks. I think the most important moral obligations for the Infinity executive is to ensure and protect the security and privacy of real patients' data, because if the data security cannot be guaranteed, there will be very seriously legal problems for both Infinity and Providence.

**Question 2 (d) Answer:**

I believe none would be violated. To explain, I think the most dangerous action among all the duties and moral obligations for Infinity is to access some of Providence's real patient data, including protected health information. However, as long as Infinity and Providence can construct a Business Associate Agreement (BAA) to limit Infinity's usage of patient data, then this action can be legal. Therefore, I believe none would be violated.

**Question 3 (a) Answer:**

The Providence executive has the first duty to achieve this partnership, because it will also be finally beneficial to Providence. The Providence executive has the second duty to strictly obey the law when giving Infinity access to some of Providence's real patient data. The Providence executive has the first moral obligation to keep an eye on the behaviors of Infinity to make sure they are legal actions. The Providence executive has the second moral obligation to get patients' consent before sharing their information with Infinity. The Providence executive has the third moral obligation to provide patients with long-term benefits through this partnership.

**Question 3 (b) Answer:**

The principle that underlies the two duties is for the Providence executive to make more profits for Providence under legal constraints. The principle that underlies the first moral obligations is that the Providence executive does have lingering concerns about patients' data privacy and security, which may lead to very serious legal problems. The principle that underlies the second and the third moral obligations is that the Providence executive does care about the patients' feelings and benefits.

**Question 3 (c) Answer:**

I think the most important duty is still to achieve this partnership, because it will be financially beneficial to Providence, and more importantly, it can help establish Providence as a key player in the technological modernization of healthcare. I think the most important moral obligation for the Providence executive is to make sure every action of this partnership is legal. This is because patients' data privacy and security is very important, especially in healthcare area. There could be serious legal problems for Providence if this partnership involves in some illegal data utilization and storage actions.

**Question 3 (d) Answer:**

I believe none would be violated. To explain, firstly, it is the Providence executive who has the most concerns about patients' data security and privacy, so he will certainly be very careful when giving data access to Infinity. Secondly, as analyzed in Question 2 (d), as long as a Business Associate Agreement between Providence and Infinity can be constructed, even dismissing the concerns about getting patients' consent, there should be no legal problems for this partnership.

**Question 4 Answer:**

Here I decide to explain why I believe it was right for Providence to accept Infinity's proposal.

Firstly, this partnership is financially important to Providence, although it is a non-profit healthcare system, making more profits can still be beneficial either to the employees or to the patients of Providence.

Secondly, this partnership can help establish Providence as one major player in the technological modernization of healthcare. I think being one of the top players itself means more opportunities for future development.

Thirdly, by developing new tools for data utilization and storage under legal constraints, this partnership can provide patients of Providence with long-term benefits. I think this is also one of the goals for Providence.

Therefore, I believe it was right for Providence to accept Infinity's proposal.

**Question 5 Answer:**

I believe the Infinity executive's argument is ethically unacceptable.

Firstly, I think although this argument is legally or practically acceptable as discussed in previous questions, it is ethically unacceptable, because from an ethical perspective, if Infinity tries to get patients' protected health information without getting their consent, I think Infinity does not respect the patients of Providence.

Secondly, I think this argument shows that the Infinity executive actually cares more about currently financial benefits for his company, while caring less about the patients' feelings. I think the so-called "long-term" benefits for patients might just be an excuse to save costs and efforts for getting consent from patients. What the Infinity executive really cares about is the currently financial benefits, instead of the long-term benefits for patients.

Therefore, although I believe this argument is legally or practically acceptable as explained in previous questions, I do believe that this argument is ethically unacceptable.