

17th Annual Global Studies Conference

Confronting Humanitarian Challenges: The Medical Professional's Responsibility

Pamela McPherson MD

Louisiana State University Health Sciences Center

Shreveport, Louisiana, USA



Disclosure

Dr. McPherson is a paid subject matter expert for the Department of Homeland Security's Office of Civil Rights and Civil Liberties (CRCL).

The opinions expressed today **do not** represent the position of the Department or the U.S government.



Department of Psychiatry and Behavioral Medicine

“Medicine is a social science and politics is nothing else but medicine on a large scale. Medicine as a social science, as the science of human beings, has the obligation to point out problems and to attempt their theoretical solution; the politician, the practical anthropologist, must find the means for their actual solution.”

-Rudolf Virchow, the father of social medicine

Spring 2018



Photo by Spencer Platt



www.tampabay.com/photos/2018/06/30/immigrant-family-separation-protests-from-around-the-nation/



protest against the family separation policy - Students | Britannica Kids | Homework Help

Family Detention Facility



Karnes City, Texas, USA

Photo by Charles Reed

*Each human person possesses an intrinsic dignity.
Dignity is not a token to be “granted” based on some
subjective criteria created at the whim of an authority.*

Guzman, J., McPherson, P., Allen, S., Alphosus, D., & Gold, D. (2022)



Border Patrol's Weslaco, Texas, USA

Source: OIG June 11, 2019

VIEWPOINT

Can Physicians Work in US Immigration Detention Facilities While Upholding Their Hippocratic Oath?

Paul Spiegel, MD, MPH

Johns Hopkins
Bloomberg School of
Public Health,
Baltimore, Maryland;
and Johns Hopkins
Center for
Humanitarian Health,
Baltimore, Maryland.

Nancy Kass, ScD

Johns Hopkins
Bloomberg School of
Public Health,
Baltimore, Maryland;
and Johns Hopkins
Institute of Bioethics,
Baltimore, Maryland.

**Leonard Rubenstein,
JD, LL.M**

Johns Hopkins
Bloomberg School of
Public Health,
Baltimore, Maryland;
Johns Hopkins Center
for Humanitarian
Health, Baltimore,
Maryland; and Johns
Hopkins Institute of
Bioethics, Baltimore,
Maryland.

The modern successor to the Hippocratic oath, called the Declaration of Geneva, was updated and approved by the World Medical Association in 2017. The pledge states that "The health and well-being of my patient will be my first consideration" and "I will not use my medical knowledge to violate human rights and civil liberties, even under threat."¹ Can a physician work in US immigration detention facilities while upholding this pledge?

There is a humanitarian emergency at the US-Mexico border where migrants, including families, adults, or unaccompanied children, are detained and processed by the Department of Homeland Security's (DHS) Customs and Border Patrol and are held in overcrowded and unsanitary conditions with insufficient medical care.² Children (persons <18 years), without their parents or guardians, are often being detained in these detention facilities beyond the 72 hours allowed under federal law.² Adults and children with a parent or legal guardian are then transferred from Customs and Border Patrol facilities to DHS' Immigration and Customs Enforcement facilities, which are also overcrowded and where existing standards for conditions of confinement are

Whatever the future of US immigration policy, decent and humane treatment of children, as well as all other detainees, and preservation of the independence of physicians and other health professionals to meet patients' medical and psychological needs are essential.

a child "cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status, or lack thereof," and should in any event only be used "...as a measure of last resort and for the shortest appropriate period of time."⁶ The United States is the only country not to have ratified the convention on the Rights of the Child, but the international standard is so widely recognized that it should still apply. Children held in immigration detention should be released into settings where they are safe, protected, and can thrive.

Physicians and other health professionals, in keeping with their professional ethics obligation to ensure that the well-being of the patient is their first concern, have a responsibility to provide the highest standard of care to detained children, as well as to all other detained persons; this obligation is underscored while children remain in detention. Such care includes always acting in the best interest of the patient and advocating for improved conditions that will prevent and not exacerbate physical and psychological illness among detainees.

However, physicians and other health professionals are often put into situations in which they cannot fulfill their obligations to their patients because of competing obligations imposed on them by detaining authorities; this is often referred to as the problem of dual loyalty.⁷ Given the reports of inhumane, overcrowded, and unsanitary conditions, including insufficient water and toilets, lack of clean clothing and bedding, high exposure to psychological stress, and poor medical care in many of the DHS processing and detention facilities, how can and should needed medi-

Moral Distress

Coined by Dr. Andrew Jameton to describe the

“the psychological distress of being in a situation in which one is constrained from acting on what one knows to be right.”

Jameton, A. (2017). What moral distress in nursing history could suggest about the future of health care. *AMA journal of ethics*, 19(6), 617-628.

What is the medical professional's responsibility when faced with humanitarian challenges?



DILLEY, Texas, USA Photo by Charles Reed

From Ethics to Action

1. Define a clear goal in the context of professional duties.
2. Assess risks.
3. Build a supportive team.
4. Identify and mobilize allies.
5. Prepare to remain engaged over time.

From Ethics to Action

1. Define a clear objective or goal in the context of professional duties.
 - Act within a framework of professional ethics
 - Analyze your reasons for acting as well as loyalties, obligations and biases
 - Identify a clear and specific tangible goal
 - Considering a range of results allows for multiple successes

THE PRINCIPLES OF MEDICAL ETHICS

With Annotations Especially Applicable to Psychiatry

- A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.
- A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.

The Advisory Committee on Family Detention
called on immigration enforcement to

“operationalize the presumption that detention is generally neither appropriate nor necessary for families – and that detention or the separation of families for purposes of immigration enforcement or management are never in the best interest of children.” 2016

The Physician's Role in Confronting Humanitarian Challenges: A Guide for Action

Abstract

An increase in humanitarian challenges has resulted in an increased demand for mental health resources. Social psychiatrists face a clinical and moral imperative to study and treat mental disorders precipitated or impacted by sociocultural events. Immigration detention is but one example of a setting that can take a toll on the mental health of those detained. Psychiatrists working in detention settings do not have immunity from feeling overwhelmed and may suffer the effects of moral distress. Many question how to take action beyond direct clinical care. Here we present a case study on physician action to address the humanitarian crisis of family separation and family detention of immigrants at the US Southern border. Subject matter and advisory committee experts for the US Department of Homeland Security were recruited to identify concerns and provide recommendations in this guide for action.

**Jaime Guzman¹,
Pamela Mcpherson¹,
Scott Allen²,
Dimitri Alphosus[#],
Dana Gold³**

¹Department of Psychiatry and Behavioral Sciences, Louisiana State University Health Science Center, Shreveport, Louisiana, ²The Access

“Physicians have an affirmative responsibility to act when the consequences of laws or policies conflict with the best interests of the patient, and they must intervene to stop cruel, inhuman and degrading treatment of their patient. They must also act to protect the public health and have duties to intervene when the health and safety of their patient, especially if the patient is a child, are threatened.”

July 2018



Doctors Blow Whistle on Dangers Migrant Children Face in Detention

Join GAP in support of these whistleblowers.

TAKE ACTION

Support DHS Immigration Whistleblowers

Define a clear goal in the context of professional duties.

The New York Times

Whistle-Blowers Say Detaining Migrant Families 'Poses High Risk of Harm'



Children line up in the cafeteria of a temporary home for women and children detained at the Texas border in 2014. Two physicians who studied such facilities told the government that children can suffer adverse health impacts even when confined with a parent. Eric Gay/Associated Press

By Miriam Jordan

July 18, 2018



Assess risks.

(202) 457-0034 | info@whistleblower.org

Support Us ▾ | Contact



GOVERNMENT
ACCOUNTABILITY
PROJECT

ABOUT ▾ | ISSUES ▾ | WHAT WE DO ▾ | NEWS ▾ | RESOURCES

DONATE

TAKE ACTION 🔍

CNN: THESE DOCTORS RISKED THEIR CAREERS TO EXPOSE
THE DANGERS CHILDREN FACE IN IMMIGRANT FAMILY
DETENTION

[CNN: These Doctors Risked Their Careers to Expose the Dangers Children Face in Immigrant Family Detention - Government Accountability Project \(whistleblower.org\)](https://www.whistleblower.org/cnn-these-doctors-risked-their-careers-to-expose-the-dangers-children-face-in-immigrant-family-detention)

From Ethics to Action

2. Assess risks.

- Know your risk tolerance
- Assess the risk of an initial disclosure and to reassess risk at each stage of action
- Harm to professional reputation or retaliation
- Consider the possibility of adverse consequences to others
- Understand available protections from the government, professional organizations, and others

Challenges to Action

- Discomfort with political issues.
 - Focus on your professional knowledge and experience.
- Time and financial pressures can create conflict between balancing family, personal, and professional goals.
 - Reassess costs regularly.
- Concern about harassment.
 - Place safety first – for yourself and others.
- Fear of professional or legal repercussions.
 - Consult experts regarding your rights.

From Ethics to Action

3. Build a supportive team.

- Likeminded colleagues.
- Experienced professionals including lawyers, ethicists, media specialists, and professional organizations.

Build a supportive team.

Professional Organizations Letter to Congress

“Most recently, two physicians within DHS’s Office of Civil Rights and Civil Liberties, an office that has investigated DHS-run facilities and found serious compliance issues resulting in harm to children, stated in a letter to Congress that there is no amount of programming that can ameliorate the harms created by the very act of confining children to detention centers. The troubling observations described in the doctors’ report show possible medical neglect and child endangerment and merit congressional inquiry and oversight.”

July 24, 2018

2019

(202) 457-0034 | info@whistleblower.org

Support Us ▾ | Contact



GOVERNMENT
ACCOUNTABILITY
PROJECT

[ABOUT](#) ▾ [ISSUES](#) ▾ [WHAT WE DO](#) ▾ [NEWS](#) ▾ [RESOURCES](#)

[DONATE](#)

[TAKE ACTION](#) 🔍

STATEMENT: GOVERNMENT ACCOUNTABILITY PROJECT DEMANDS CONGRESS HEED WARNINGS OF DHS WHISTLEBLOWERS, HHS OIG ON CHILD DETENTION PRACTICES

[STATEMENT: Government Accountability Project Demands Congress Heed Warnings of DHS Whistleblowers, HHS OIG on Child Detention Practices - Government Accountability Project](#)

From Ethics to Action

4. Identify and mobilize allies.

- Effective interaction with media.
- Identify professional and advocacy organizations that share your goals.

Identify and mobilize allies.

In 2019, Over 800 bioethicists wrote to the government of the United States calling the conditions at the US-Mexico border “Ethically Abhorrent”

“These principles [respect for persons, avoidance of harm, and fair treatment] apply whenever individual and community health are at issue, as is the case here where the physical and mental health of detainees are being placed at extreme risk. These risks are greatest for children, who may suffer serious long-term consequences as a result of the conditions in which they are being held.”

<http://dailynous.com/2019/06/26/bioethicists-letter-ethically-abhorrent-treatment-children-u-s-border/>

From Ethics to Action

5. Prepare to remain engaged over time.

- Change is a process.
- Setbacks are opportunities to reassess the message and consider new allies.
- Be prepared to rebrand the message as new issues come to light.

Prepare to remain engaged over time.

2020

(202) 457-0034 | info@whistleblower.org Support Us ▾ Contact



GOVERNMENT
ACCOUNTABILITY
PROJECT

[ABOUT ▾](#) [ISSUES ▾](#) [WHAT WE DO ▾](#) [NEWS ▾](#) [RESOURCES](#) [DONATE](#) [TAKE ACTION](#) [Q](#)

USA TODAY: WE WERE WHISTLEBLOWERS FOR FAMILY SEPARATION BACK IN 2018. IT'S HAPPENING AGAIN.





Photo by Charles Reed

Celebrate successes.

“... the closure of the Dilley facility is a welcome development following over a decade of concerns raised by both detained families and whistleblowers...”

Andrea Meza, 2024



The image shows a screenshot of a news article header from the Government Accountability Project website. The top navigation bar is dark blue with white text for contact information: "(202) 457-0034 | info@whistleblower.org" on the left, and "Support Us" and "Contact" on the right. Below this is a white header area with the organization's logo on the left, which features a scale of justice and the text "GOVERNMENT ACCOUNTABILITY PROJECT". To the right of the logo is a navigation menu with links for "ABOUT", "ISSUES", "WHAT WE DO", "NEWS", and "RESOURCES", each with a dropdown arrow. Further right are a dark blue "DONATE" button and a "TAKE ACTION" link with a magnifying glass icon. The main content area has a dark blue background with a blurred image of a gavel on a desk. Overlaid on this image is the headline "ICE DETENTION CENTER THAT HELD FAMILIES CLOSES IN DILLEY, TEXAS" in white, all-caps serif font.

[ICE Detention Center that Held Families Closes in Dilley, Texas - Government Accountability Project \(whistleblower.org\)](https://whistleblower.org)

Thank you for your time.



Pamela McPherson MD
Pam.Mcpherson@lsuhs.edu

“Medicine is a social science and politics is nothing else but medicine on a large scale. Medicine as a social science, as the science of human beings, has the obligation to point out problems and to attempt their theoretical solution; the politician, the practical anthropologist, must find the means for their actual solution.”

-Rudolf Virchow, the father of social medicine

From Ethics to Action at a Glance

- Define a clear objective or goal in the context of professional duties.
 - Act within a framework of professional ethics
 - Analyze your reasons for acting as well as loyalties, obligations and biases
 - Identify a clear and specific tangible goal
 - Considering a range of results allows for multiple successes
- Assess risks.
 - Know your risk tolerance
 - Assess the risk of an initial disclosure and to reassess risk at each stage of action
 - Harm to professional reputation or retaliation
 - Consider the possibility of adverse consequences to others
 - Understand available protections from the government, professional organizations, and others
- Build a supportive team.
 - Likeminded colleagues.
 - Experienced professionals including lawyers, ethicists, media specialists, and professional organizations.
- Identify and mobilize allies.
 - Effective interaction with media.
 - Identify professional and advocacy organizations that share your goals.
- Prepare to remain engaged over time.
 - Change is a process.
 - Setbacks are opportunities to reassess the message and consider new allies.
 - Be prepared to rebrand the message as new issues come to light.