Medical Futility: Back to Basics

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Trivia Question

• In what cemetery are victims of the *Titanic* sinking of 1912 buried?
Titanic sinking
April 15, 1912
Titanic sinking
April 15, 1912
Recovery Efforts
Titanic Cemetery, Halifax, NS

April 2007

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Original Titanic Deck Chair
Interesting Coincidence

• Morgan Robertson, struggling author, 1898 novella

• Largest ship, “unsinkable”

• Rich and famous passengers

• Struck iceberg in Atlantic on April night

• “Titan”
Robertson’s Original Title

FUTILITY
THE WRECK OF THE TITAN

MORGAN ROBERTSON
‘Futility,’ n.

• From Latin *futilis*, “that easily pours out”

• Various versions
  – Narrow-bottomed vase that tips over and spills as soon as water poured in
  – Leaky vase
Futility in Mythology

• John William Waterhouse, *The Danaides* (daughters of Danaus), 1903
Why These Tangents?

• “Rearranging the deck chairs on the *Titanic*”
• Trying to fill a leaky vessel
• Etc.
A Common Criticism

• “First then, the concept of futility is not an entirely clear one.”

What’s Unclear?

• The *basic concept* is unclear?
• Or: uncertain which precise *criteria* to employ to determine futility?
• Argue: even if there’s dispute about criteria, the concept is completely clear and straightforward
The Next Argument

• “...the strongest reason for avoiding the use of the term “futile”.... Some words in medicine...have acquired so much pejorative baggage that they are probably best regarded as medically obsolete...”

Can We Avoid “Futility”?

• Example: *Stopping* CPR
Symmetry?

• Considerable controversy caused by proposals to allow staff unilaterally to refuse to perform CPR when they are reasonably confident it won’t work
Symmetry?

• Considerable controversy caused by proposals to allow staff unilaterally to refuse to perform CPR when they are reasonably confident it won’t work

• No controversy at all over allowing staff unilaterally to cease CPR when they are reasonably confident doing it longer won’t work
Eliminating ‘Futility’

• We’d have to ask next-of-kin consent to cease CPR when heartbeat is not restored
• We’d have to ask patient consent for refusing to prescribe antibiotics for viral colds
• Conclude: we cannot eliminate this concept from health care practice
Conclusions So Far

• Even as we debate adequate criteria for determining futility, the basic concept is clear (“it won’t work”)
• Even if we wanted to eliminate the concept, it is implicated in too many everyday health care decisions to be dispensable
Remaining Issues

- Even if ‘futility’ is clear, is there ambiguity in saying “Intervention X is futile”?
- What ethical values are at stake in futility disputes?
- How ought one approach the resolution of conflicts over futile interventions?
And By the Way...

• Please don’t say:
  – “Futile care”
  – “Futile treatment”

• “Care” and “treatment” by definition are not futile

• Preferred: “Futile intervention”
Ambiguity

Activity or intervention
Ambiguity

Activity or intervention

Goal #1: Efficient water storage
Goal #1: Efficient water storage

Activity or intervention

Ambiguity
Ambiguity

Activity or intervention

Goal #1: Efficient water storage

Goal #2: Aerobic exercise
Disambiguation

• The statement “This intervention is futile...” is always an incomplete sentence...

• ...until completed by adding: “...for purposes of achieving such-and-such goal.”
Case Study (thanks to S. Rubin)

• Elderly SE Asian woman in California hospital
• Metastatic, end-stage ovarian cancer
• Requests life-prolonging therapy in ICU
• Physicians discuss and agree that this course is futile
• Prepare to inform patient and family they have no right to demand this treatment
Case Study (cont.)

• Woman explains that goal is not extended life per se, but simply living a few more days into next (auspicious) lunar cycle

• Physicians then conclude that request is reasonable and feasible

Values at Stake

• Respect for patient autonomy
  — What are its legitimate limits?
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• Professional integrity
  – A professional should not be required to play charades
Values at Stake

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• Respectful treatment of patients and families
A Practical Approach

- Try to define ‘futility’ precisely and defend unilateral physician action?
  - Is futility an excuse *not to talk with patients or families*?
A Practical Approach

• Try to define ‘futility’ precisely and defend unilateral physician action?
  – Is futility an excuse not to talk with patients or families?

• Develop a process of respectful communication to try to resolve differences between patient/family and staff?
The AMA “Cascade”

Attempt joint decision-making

*Involve consultants*

*Involve ethics committee*

Attempt internal transfer of care

Attempt external transfer of care

Cease futile intervention

--CEJA, JAMA 281:937, 1999
AMA Policy

• Supports principle of professional integrity
• Multiple levels of appeal
• Moving through appeals process maximizes chances for respectful dialogue

--CEJA, JAMA 281:937, 1999
Ideal Outcome?

• *In principle*, staff have the prerogative to refuse to provide a futile intervention
  – Respects value of *professional integrity*
Ideal Outcome?

- *In principle*, staff have the prerogative to refuse to provide a futile intervention
  – Respects value of *professional integrity*

- *In practice*, all cases would be resolved through mutually respectful communication and staff would never have to take unilateral action
Respectful Communication

• Listen carefully
  – For patient’s reasons
  – For conflicting goals of treatment

• Follow a stepwise process
  – If our futility determination is correct, time is on our side

• For cross-cultural disagreements, seek a cultural broker
Conclusions
Conclusions (Redux)

• Even as we debate adequate criteria for determining futility, the basic concept is clear ("it won’t work")

• Even if we wanted to eliminate the concept, it is implicated in too many everyday health care decisions to be dispensable
Conclusions

• Must identify goal of therapy to understand ‘futility’
• Critical values are often in conflict in futility disputes
• Techniques can be used to defuse most disputes through careful, respectful communication
More Reading

• Brett, *JAMA* 307:149, 2012
• White, *JAMA* 307:151, 2012