DEFINITIONS OF MEDICAL FUTILITY

- Won’t achieve the patient’s intended goal
- Serves no legitimate goal of medical practice
- Ineffective more than 99% of the time
- Does not conform to accepted community standards

The Nature and Limitation of Futility Definitions

Evidence: In the majority of situations, in which death is imminent, consensus is reached and life-sustaining interventions are not provided. Investigators using the SUPPORT study database found only 32 patients (0.7%) of 4301 whose prognosis for survival was less than 1% on their third hospital day who did not have a DNR order in the medical record.

Examples:
- Life-sustaining interventions for patients in a persistent vegetative state
- Resuscitation efforts for the life-threateningly ill
- Use of chemotherapy in patients with far advanced cancer
- Use of antibiotics or artificial hydration for patients who are in advanced stages of the illness

Is This Really a Futility Case?

- Unequivocal cases of medical futility are rare
- Example: attempt to resuscitate a patient who is decapitated. In this situation, CPR would be futile according to all conceivable definitions
- Miscommunication or value differences are more common
  - Conflict over treatment; not clear how to reach resolution
  - One view—physicians should neither offer nor provide therapy that is unlikely to work, or will only result in a poor quality of life
    - Violate professional integrity
    - Offer false hope
    - Inflict harm without possible benefit
  - Other perspective—why should physician values override patient and family values, especially when those values are religiously based?

- Case resolution – an important principle
  - Difficult to differentiate "futile" therapy from "low-yield" therapy
  - Case-by-case basis for defining futility recommended by AMA’s Council on Ethical and Judicial Affairs
  - Need to find a fair process of resolution more important than futility definition

Types of Futility Conflicts

- Disagreement over goals. Example: one party wishes to preserve life "at all costs" while the other party concludes that preserving life is not a worthwhile goal
- Disagreement over benefit. Example: pursue a therapy that is highly unlikely to achieve the agreed upon goal (i.e., a "miracle") while the other party does not believe the chances of success are high enough to continue treatment

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