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Futility in Obesity Medical and Surgical Interventions: Medicolegal perspectives in perioperative management.

Category: Integrated Health

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It remains difficult to define medical futility. Furthermore, even once defined, there exist ethical and legal complexities which cloud any decision to cease futile care.

In general terms, futility refers to any intervention that is unlikely to produce any material benefit to the patient if performed. If we are to indulge of a typical futile case, we think of extraordinary measures being offered to a 94 year old patient with metastatic cancer in irreversible terminal decline. In this case, as with many, the futility arises from the simple scientific conclusion that a disease state can simply not be arrested or reversed by any known medical intervention.

Futile non-surgical treatment of obese patients however falls outside this typical characterisation. This manifestation of futility (excluding the uncommon genetic, metabolic or chronic causes) arises most commonly from patient non-compliance and inability to adhere to a weight loss plan. This futility is not physical but psychological, and nowadays such futility does not lead to abandonment but instead to the consideration of obesity surgery.

Bariatric surgery's very genesis arises from the psychological futility of the medical management of obesity. It's objective is to minimise the impact of patient non-compliance in diet and exercise control, by providing a physical override to such actions. Save for the compliance required for pre-operative preparation and augmentation for surgery, generally such psychological futility can be now overcome.

This paper will examine the ethics of compliance-based and psychological "futility" as it applies to the medical and surgical management of obesity - and how it may differ from traditional applications of medical futility processes. Additionally, it will examine the current medicolegal and ethical discussions regarding futility decisions surrounding obesity care (including discussion of the landmark *Almario v Varipatis* case).