

# Top 10: Medical Futility Update

Thaddeus Mason Pope, J.D., Ph.D.

ASBH Annual Meeting

Washington, DC

October 18, 2012

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Clinician

Surrogate

CMO

LSMT

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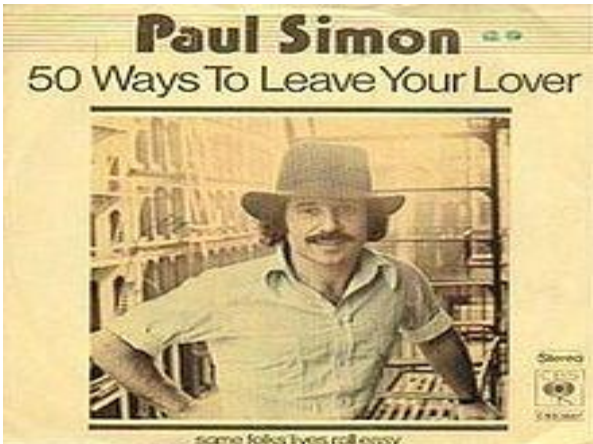
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1. Prevention
2. Consensus
3. Transfer
4. Surrogate selection
5. Unilateral action

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# 1. Prevention

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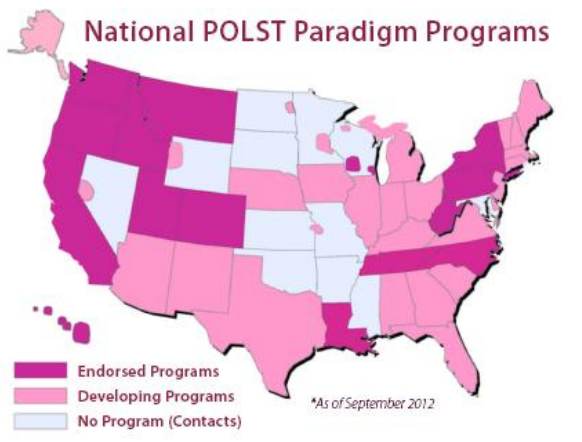
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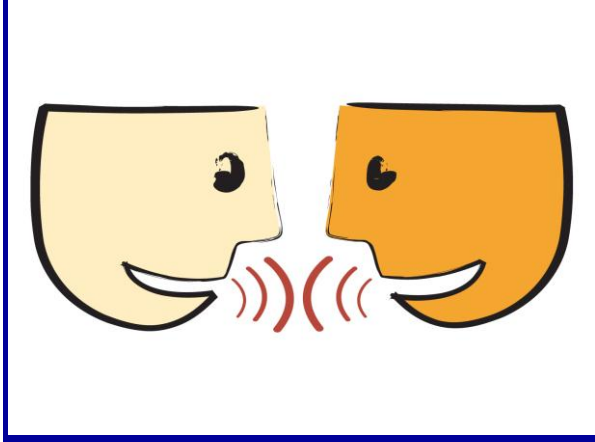
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**2.**  
**Consensus**

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**5%**

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**3.**

# Transfer

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Rare, but  
possible

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**4.**

# Surrogate Selection

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Substituted  
judgment

Best interests

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**Albert Barnes**

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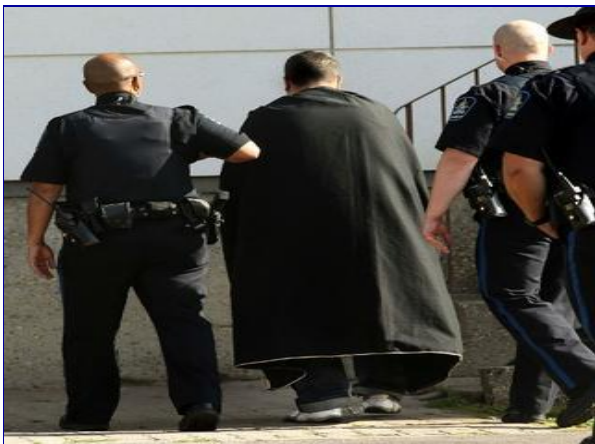
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# Consent and Capacity Board

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# Limits

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**Hassan Rasouli**

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# 5. Unilateral action

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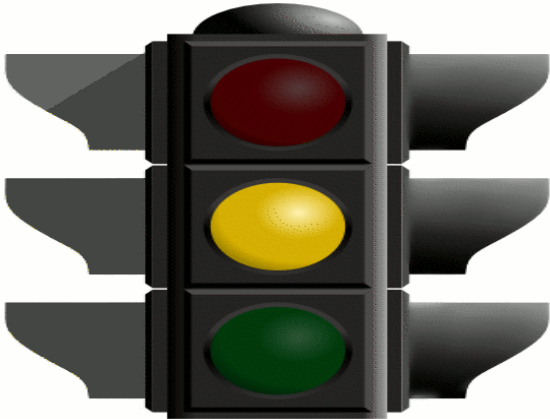
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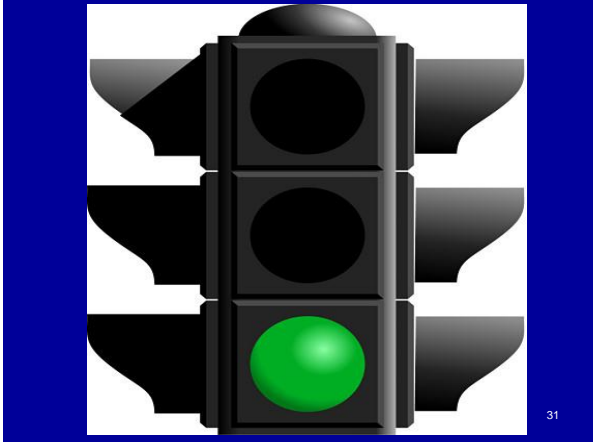
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You may stop LSMT  
for **any reason**

- with immunity
- if your HEC agrees

*Tex. H&S 166.046*

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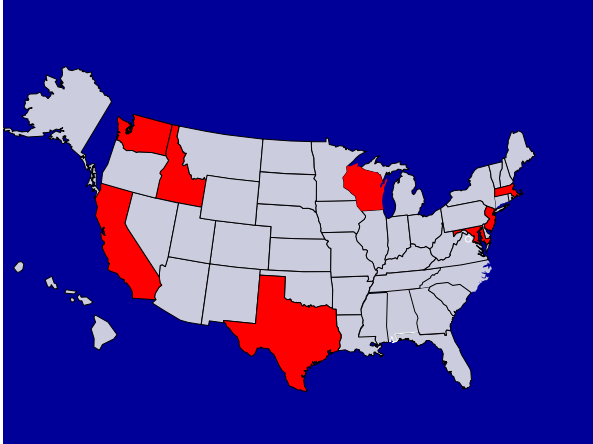
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# Talking Points on Key Issues

## 2013 Texas Legislative Session



TEXAS HOSPITAL ASSOCIATION

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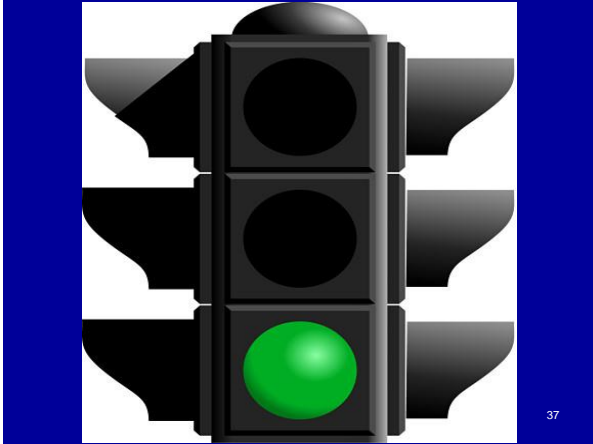
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Treat  
'til  
transfer

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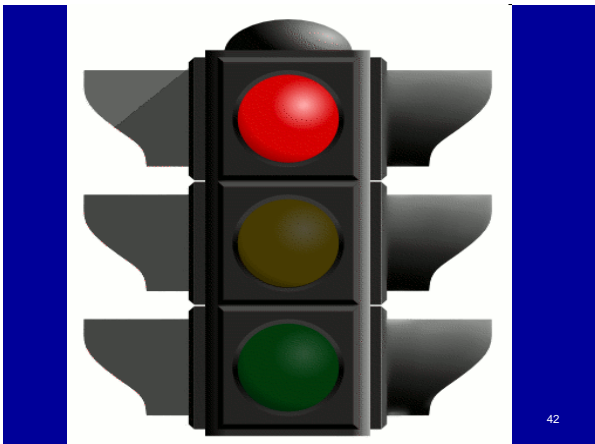
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**Idaho Discrimination  
in Denial of  
Life Preserving  
Treatment Act (2012)**

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“Health care . .  
. **may not be** . . .  
**denied** if . . .  
directed by . . .  
surrogate”

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“Futile care”  
exception

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“death is imminent  
within hours . . .”

**OR**

“denial . . . will not  
result . . . death.”

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**S.B. 1695 (2012)**  
Passed Senate, died House

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**SB 172, HB 309 (2012)**  
CPR only, died

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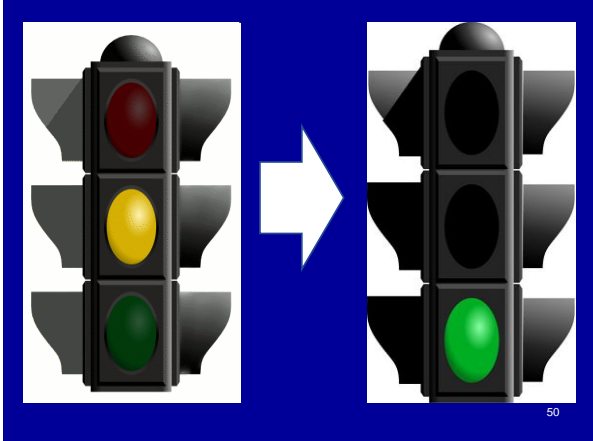
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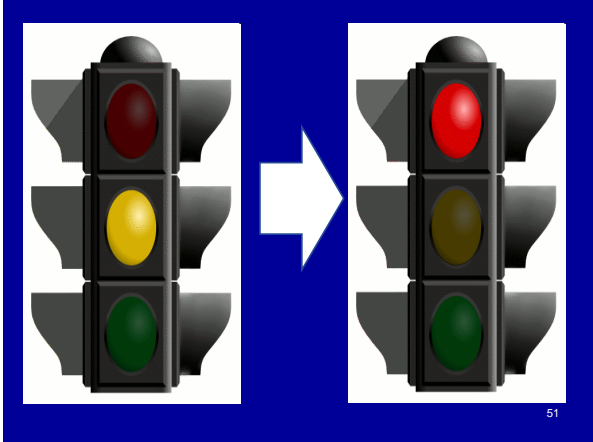
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MedicalFutility.  
blogspot.com

ThaddeusPope.com

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