

## Reviewer's report

**Title:** Experts Attitudes towards Medical Futility: An Empirical Survey from Japan

**Version: 1 Date:** 18 May 2006

**Reviewer:** Noritoshi Tanida

### Reviewer's report:

#### General

The authors studied the attitudes of the member of the Japan Association for Bioethics toward medical futility. The majority of respondents believed that a physician' refusal to provide or continue a treatment on the ground of futility judgment could never be morally justified. In the case of physiological futile care three-quarters believed that a physician should inform the patient/family of his futility judgment and it would be the patient who could decide what should be done next, based on his/her value judgment.

This study was carried out in November 2005. Then, the respondents were aware of the Hokkaido Haboro Hospital case in 2004. In February 14, that year, a 90 years old patient was taken to the Hokkaido Haboro hospital with the condition of death-on-arrival. He received cardiopulmonary resuscitation and the heart started to beat again. However, respiration was not restored and he was kept on a respirator. Next day, a respirator was removed from the patient by the attending doctor because any recovery was thought to be impossible. This decision was made by the family of the patient on explanation of "physiological futility" by the doctor. The following news struck the medical society that the Hokkaido police sent the document to the Hokkaido attorney office for murder in April, 2005, with their decision that stopping life sustaining treatment was definitely an act of murder by the doctor. The Asahikawa attorney office, however, was to decide not to prosecute for murder in April, 2006, according to a media report.

Although the attorney's decision is reasonable, being questioned by the police is sufficient enough to make doctors to think that stopping life sustaining treatment was an act of murder in Japan, not only immoral but also illegal. This case might be one of the reasons for confusion on this issue of stopping life sustaining treatment, although the vast majorities of the general public and healthcare professionals do not want futile life sustaining treatment in Japan (see the following reference\*).

In any case, doctors and the public are hesitate to deal with this issue of medical futility because of the police's attitude. Then, such a study by Dr Bagheri may be worthwhile for facilitating open discussion on this issue of medical futility in Japan.

\*Ministry of Health, Labour and Welfare. Shumatsuki iryo ni kansuru chosato kentokai hokoku -Kongo no shumatsuki iryo no arikata ni tsuite- (Report of the Research and Investigation Committee on terminal care -On the future terminal care-). July, 2004. <http://www.mhlw.go.jp/shingi/2004/07/s0723-8.html> (In Japanese)

-----  
Major Compulsory Revisions (that the author must respond to before a decision on publication can be reached)

Above all, the issue of medical futility has been extensively discussed worldwide. This reviewer suggests that the discussion should mention at least the latest references such as "Medical futility in end-of-life care: report of the Council on Ethical and Judicial Affairs. JAMA 1999;281:937-941," "Palda VA, Bowman KW, McLean RF, Chapman MG. "Futile" care: do we provide it? Why? A semistructured, Canada-wide survey of intensive care unit doctors and nurses. J Crit Care. 2005;20:207-213" and others if necessary, and also the Haboro Hospital case in Hokkaido, in conjunction with the present findings.

-----  
Minor Essential Revisions (such as missing labels on figures, or the wrong use of a term, which the author can be trusted to correct)

1) The word "experts" is ambiguous, perhaps better identify subjects as "the members of the Japan Association for Bioethics" in the title and the text.

2) One word "deference" in the Result section should have been "difference."

-----  
Discretionary Revisions (which the author can choose to ignore)

**What next?:** Accept after minor essential revisions

**Level of interest:** An article of importance in its field

**Quality of written English:** Acceptable

**Statistical review:** No

**Declaration of competing interests:**

I declare that I have no competing interests.