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3 Title: Uniform Standards for Brain Death Determination  
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5 Introduced by: Mara Darian, for the Medical Student Section  
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7 Original Authors: Bhavna Guduguntla, Ahmad Hider, and Jiwon Park  
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9 Referred To: Reference Committee E  
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11 House Action: **DISAPPROVED**  
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14 Whereas, the American Academy of Neurology (AAN) has called for uniform brain death  
15 laws, policies, and practices, and  
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17 Whereas, a specific, uniform standard for declaring brain death is critical for high quality  
18 patient-centered neurologic and end-of-life care, as well as for patient and public trust, and  
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20 Whereas, the American Neurological Association and the Child Neurology Society have  
21 declared their support for this AAN statement position, and  
22

23 Whereas, brain death is defined as the death of the individual due to irreversible loss of  
24 function of the entire brain and is the equivalent of circulatory death, which is due to irreversible  
25 loss of function of the circulatory system, which includes the heart, and  
26

27 Whereas, the 1981 Uniform Determination of Death Act (UDDA) deferred to the medical  
28 profession to identify the "accepted medical standards" regarding death determination, the lack of  
29 specificity in most states' laws and inconsistency among institutional brain death protocols has led  
30 to differing interpretations by courts, and  
31

32 Whereas, brain death policies vary considerably between institutions, states, and other  
33 governing bodies, and  
34

35 Whereas, AAN has published evidence-based guideline recommendations to assist  
36 clinicians in determining brain death, and  
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38 Whereas, the AAN is unaware of a single case where these guidelines failed to accurately  
39 declare brain death, and  
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41 Whereas, these guidelines function to clarify ambiguity in the UDDA while presenting a  
42 uniform evidence-based protocol to declare brain death, and  
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44 Whereas, establishing such a uniform protocol will decrease the burden and reliance on  
45 individual clinician judgement in determining brain death and will create consistency in practice;  
46 therefore be it  
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48 RESOLVED: That MSMS support the American Academy of Neurology in their efforts to  
49 establish universal brain death protocols; and be it further

50 RESOLVED: That MSMS support legislation that defers to current adult and pediatric brain  
51 death guidelines and any future updates in the declaration of brain death; and be it further

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53 RESOLVED: That MSMS support the adoption of uniform policies in medical facilities that  
54 ensure compliance with uniform evidence-based guidelines for declaring brain death; and be it  
55 further

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57 RESOLVED: That MSMS support the development of programs that train physicians to  
58 declare death by neurologic criteria and provide public and medical education regarding brain  
59 death and its determination.

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62 WAYS AND MEANS COMMITTEE FISCAL NOTE: Resolutions requesting governmental advocacy -  
63 \$25,000+

**Relevant MSMS Policy:**

**Declaring a Patient Dead/End-of-Life Care Training**

MSMS supports implementation of curricula in end-of-life care, hospice, and declaration of patient death in residency training programs where appropriate and the development of continuing medical education programs in end-of-life care and sensitivity/communication training for physicians. (Res34-13)

**Relevant AMA Policy:**

None

**Sources:**

1. James A. Russell, Leon G. Epstein, David M. Greer, Matthew Kirschen, Michael A. Rubin, Ariane Lewis. "Brain death, the determination of brain death, and member guidance for brain death accommodation requests." *Neurology* (2019). DOI: <https://doi.org/10.1212/WNL.0000000000006750>
2. AAN CALLS FOR UNIFORMITY OF BRAIN DEATH DETERMINATION [press release]. *American Academy of Neurology*, American Academy of Neurology; 2 Jan. 2019. [www.aan.com/PressRoom/Home/PressRelease/2687](http://www.aan.com/PressRoom/Home/PressRelease/2687).
3. Wijdicks, E. F. M., Varelas, P. N., Gronseth, G. S., & Greer, D. M. (2010). Evidence-based guideline update: Determining brain death in adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology. *Neurology*, 74(23), 1911-1918. doi: 10.1212/wnl.0b013e3181e242a8
4. Bartscher, J. F., & Varelas, P. N. (2010). Determining Brain Death: No Room for Error. *AMA Journal of Ethics*, 12(11), 879-884. doi: 10.1001/virtualmentor.2010.12.11.pfor1-1011