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Policy and Procedure Manual

CCHS - Death by Neurological Criteria Policy

Target Group: Physicians on staff at Cleveland Clinic Health System hospitals	Policy Number: RI116	Date of Issue: 5/28/2010	Date of Review: 5/28/2010
Approved by: Cleveland Clinic Policy Committee	Date Approved: 5/28/2010	Prepared by: Dr. Provencio, Organ Donation Committee, Ethics Committee	Date of Revision: 5/28/2013

Purpose

To provide physicians on staff at Cleveland Clinic Health System* hospitals with a standard procedure and training requirements for evaluating patients to determine death by neurological criteria (DNC; also called Brain Death). * Cleveland Clinic Florida excluded.

The irreversible cessation of brain functions has been recognized as death in the United States through statutes, judicial decisions, and regulations. The State of Ohio adopted the Uniform Determination of Death Act (UDDA) in 1982. The Ohio Statute states:

- An individual is dead if that individual has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the brain including the brain stem, as determined in accordance with accepted medical standards. If the respiratory and circulation functions of a person are being artificially sustained, under accepted medical standards, a determination that death has occurred is made by a physician by observing and conducting tests to determine that the irreversible cessation of all functions of the brain has occurred.
- A physician who makes a determination of death in accordance with this [Statute] and accepted medical standards is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for this act or the acts of others based on that determination.

Policy

A declaration of death by neurological criteria, just as a declaration of death by cardiopulmonary arrest, is a diagnosis made by a physician. Although there is a standard procedure to determine DNC, it is the responsibility of the declaring physician to determine if the mechanism of injury is sufficient to explain DNC. It is the CCHS policy that two consistent examinations either by two independent, trained physicians or by one independent, trained physician separated in time are required. Both staff-privileged and resident physicians with appropriate training may participate in the determination of DNC although a physician with staff privileges must complete one of the two examinations. If the mechanism of injury is not clear or not clearly severe enough to be consistent with death, additional repeat examinations spaced over time may be necessary to confirm death. Likewise, if the examination is difficult or impossible to complete, the physician may need to do additional physiologic or vascular testing to confirm the diagnosis of DNC. Special attention should be paid to children below the age of ten (10) years as the diagnosis may be

more difficult.

Training and evaluation of competence for DNC shall be determined by the individual hospitals. All physicians who participate in the declaration of DNC must complete competency training prior to evaluating patients for DNC. Competency must be certified at least every five (5) years for staff and every two (2) years for residents.

Reasonable Accommodations

Although patients or their surrogates do not have a right to insist on futile treatment, circumstances can arise in which providing support of physiologic function for a limited time is justifiable to achieve identified objectives such as evaluation for organ donation, giving family members time to arrive at the health care facility, or for personal or religious purposes. It is the responsibility of the CCHS system hospital medical executive committees and physicians to decide what is a reasonable time and extent of the accommodation. In most circumstances, this time period should not exceed 24 to 48 hours.

Oversight and Responsibility

- A. Physicians on staff at Cleveland Clinic Health System hospitals and resident physicians who perform DNC evaluations are responsible for completing training for DNC. The supervising medical staff is responsible for ensuring compliance with competence in DNC.
- B. DNC trained Medical Staff and resident physicians are responsible for adhering to this policy and its related procedures for determination of DNC and for appropriate documentation in the patient's medical record.

Definitions

Death by Neurological Criteria (DNC)

Death can result from brain damage that is so severe and extensive that the brain has no function and has no potential for recovery of function. In such cases, spontaneous respiration has irreversibly ceased owing to structural brain damage, but systemic circulation and respiration are still maintained by artificial life-support. Under such circumstances, ventilatory and circulatory support may preserve the peripheral organs for a time.

Policy References

[RI116a Procedure for the Determination of Death by Neurological Criteria](#)

State of Ohio UDDA

Uniform Determination of Death Act, 1982

Issuing Office

CCHS Counsel of Medical Executive Committees

Task Force/Committee

Organ Donation Committee

Chair: Dr. Provencio

Ethics Committee

January 28, 2011

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