

NewsRoom

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New **law** impacts time of death issue

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#### HEADNOTE

ILLINOIS PUBLIC ACT REQUIRES NOTICE OF RELIGIOUS BELIEFS

NEW GUIDELINES FOR HOSPITALS

FEIGENHOLTZ HONOR JEWISH **LAW**

An Illinois **bill** signed into **law** this month will ensure that Jewish **law** is taken into account in medical end-of-life decisions.

Medical decisions and religious beliefs can have an uneasy relationship, at no time more clearly than in the realm of life-and-death issues.

#### IMAGE PHOTOGRAPH

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Take the following case: Last summer, a Chicago woman suffered a stroke and was rushed to hospital. Efforts to revive her were not successful and she was put on life support until the extent of brain damage could be determined.

The doctors at Swedish Covenant Hospital, where the stroke victim, who was Jewish, was taken, declared her brain dead, and prepared to remove her from life support.

Her family consulted with an **Agudath Israel of Illinois** rabbinic authority, who told them that Jewish law prohibits taking her off life support.

While the issues are complex, medically speaking brain death constitutes death; Jewishly, it does not. Yet the family had to struggle to prevent life support from being removed.

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It was this incident, Sheba Seif, legislative assistant for Agudath Israel of America Midwest Region, told the Jewish Star this week, that galvanized the Orthodox organization to seek legislation that would prevent this religious-medical conflict in determining time of death.

Agudath Israel brought the issue to State Representative Sara Feigenholtz (D-Chicago), who became the bill's sponsor and introduced it in the Illinois House in February.

Senators Ira Silverstein (D-8th) and Jeff Schoenberg (D-9th) were its sponsors in the Senate. It was signed into law Aug. 14, and becomes effective January 1, 2008.

Its passage means that, for the first time, **Illinois** hospitals will be required by law to consider a patient's **religious** beliefs in determining when **death** occurs. The Jewish community and other faith communities will now have their beliefs taken into account when it comes to decisions about what constitutes death.

"As Jews, it is our obligation to honor Jewish law and to bring it to the attention of medical professionals," Representative Feigenholtz told the Jewish Star this week.

The new law, which was unanimously adopted by both chambers of the Illinois General Assembly (and becomes Public Act 95-0181) requires that "Every hospital must adopt policies and procedures to allow health care professionals, in documenting a patient's time of death at the hospital, to take into account the patient's religious beliefs concerning the patient's time of death."

Sheba Seif called it "a very important first step" that respects Jewish **religious** beliefs in determining when **death** occurs.

New York and New Jersey have passed similar legislation, although she characterized them as "stronger" than the **Illinois** law.

The federal Patient Self-Determination Act of 1992 requires that hospitals and other health care facilities inform patients that they have the right to choose or refuse medical interventions such as ventilators and feeding tubes used to sustain life, according to an article in Boston's Jewish Advocate.

While this law facilitates adherence to Jewish law, it does not address the issue of determining time of death, which the new Illinois law does.

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