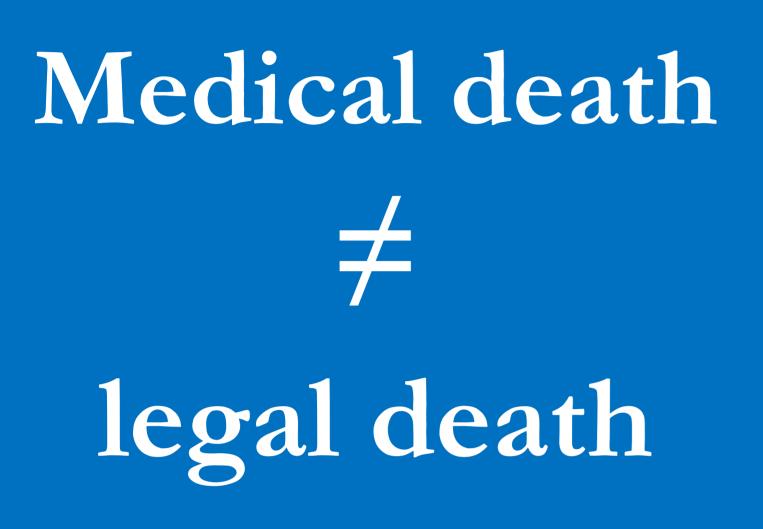
When Is the Patient Dead?

Growing Challenges to the Status of Brain Death and Strategies for Clinical Ethics Consultants



U.S law allows BD determination **ONLY** upon "irreversible cessation of all functions of the entire brain" (UDDA).

But dominant medical criteria require **LESS** (AAN, SCCM/AAP).

No BD testing

More U.S. states prohibit clinicians from administering BD tests without **CONSENT**.

Clinicians may declare these patients dead **ONLY** on CP criteria.

No BD declaration

In New Jersey, patients with religious objections may be declared dead **ONLY** on CP criteria.

Families in PA, CA, ONT, and more now claim a similar right to "opt-out" of BD.

Use IPDAS compliant patient decision aids.

Strategies

Do not seek consent for BD testing.

Allow family to observe BD testing.

IME Summer Research Conference (Oxford, UK) June 19, 2018 Thaddeus Mason Pope, JD, PhD Mitchell Hamline School of Law (USA) www.thaddeuspope.com Forthcoming Hastings Center Report