

**RESOLUTION 09.2020-08 (A-21)**  
**STATEWIDE BRAIN DEATH PROTOCOL**

**ISMS Board Action Taken on 01/30/2021**

**Adopted Resolution 09.2020-08 (A-21), as amended by the Board of Trustees:**

RESOLVED, that the Illinois State Medical Society encourage all medical facilities to use standardized guidelines based on national or international expert consensus panels for determining brain death. ~~adopt updated brain death guidelines by the World Brain Death Project (3) and establish a Brain Death Protocol for use by all medical facilities in the state of Illinois; and be it further~~

~~RESOLVED, that ISMS implement and disseminate a Brain Death Protocol to all healthcare facilities in the state to be used when determining brain death; and be it further~~

~~RESOLVED, that ISMS support or cause to be introduced legislation to require all healthcare facilities in the state to implement a Brain Death Protocol consistent with the guidelines by the World Brain Death Project to be used when determining brain death.~~

Medical Legal Council Recommendation to ISMS Board on 01/30/2021

At its October 2020 meeting, the Council was provided with Resolution 09.2020-08 (A-21), which includes ISMS' policy, a copy of "Determination of Brain Death/Death by Neurologic Criteria: The World Brain Death Project", and the results of a member survey on the resolution. The author was able to participate in discussions. The author noted that protocols for determining brain death are different at various hospitals, even those that are geographically close, and such differences cause confusion. Council members agreed with the goal of the resolution, but noted that the resolution requests ISMS to undertake certain actions that are beyond its purview. Additionally, Council members stated that they did not support adding the granularity specified in the World Brain Death Project to Illinois statutes. The Council recommended that the Board adopt Resolution 09.2020-08 (A-21) as amended:

RESOLVED, that the Illinois State Medical Society ~~adopt~~ support updated brain death guidelines by the World Brain Death Project and ~~establish~~ support a Brain Death Protocol for use by all medical facilities in the state of Illinois; and be it further

RESOLVED, that ISMS ~~implement and~~ disseminate a Brain Death Protocol to

41 all healthcare facilities in the state to be used when determining brain death.; and be it  
42 further

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44 ~~RESOLVED, that ISMS support or cause to be introduced legislation to require~~  
45 ~~all healthcare facilities in the state to implement a Brain Death Protocol consistent with~~  
46 ~~the guidelines by the World Brain Death Project to be used when determining brain~~  
47 ~~death.~~

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49 The Board of Trustees considered the recommendation of the Council at its meeting on  
50 October 24, 2020 and expressed concerns about what exactly the World Brain Death  
51 Project is, whether any U.S. organizations are a part of it, and what other neighboring  
52 states are doing. At its November 2020 meeting, the Council took note that the protocol  
53 was developed by a worldwide group of authors, including 16 authors from U.S.  
54 institutions such as the University of Chicago, Northwestern University Feinberg School  
55 of Medicine, Boston University School of Medicine, Indiana University, and University  
56 of Southern California. Additionally, the project was endorsed by U.S. organizations  
57 including the Society for Neuroscience in Anesthesiology and Critical Care, and the  
58 Society of Critical Care Medicine. Furthermore, the American Academy of Neurology  
59 has affirmed the value of this statement as an educational tool for neurologists, and the  
60 American Association of Neurological Surgeons/Congress of Neurosurgical Surgeons  
61 Joint Section for Neurotrauma and Critical Care affirms the educational benefit of this  
62 document.

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64 The Council again discussed the resolution, and remained concerned about the issue of  
65 facilities using a wide variety of guidelines that are not based on expert consensus. The  
66 members noted the need for flexible criteria that do not take away professional  
67 judgment, but provide guidance to physicians and hospitals to develop protocols.

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69 The Medical Legal Council recommends that the ISMS Board of Trustees adopt  
70 Resolution 09.2020-08 (A-21), as amended:

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72 RESOLVED, that the Illinois State Medical Society encourage all medical  
73 facilities to use guidelines based on national or international expert consensus panels for  
74 determining brain death, such as those recommended from the 2020 report of the World  
75 Brain Death Project ~~adopt updated brain death guidelines by the World Brain Death~~  
76 ~~Project (3) and establish a Brain Death Protocol for use by all medical facilities in the~~  
77 ~~state of Illinois; and be it further~~

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79 ~~RESOLVED, that ISMS implement and disseminate a Brain Death Protocol to~~  
80 ~~all healthcare facilities in the state to be used when determining brain death; and be it~~  
81 ~~further~~

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83            ~~RESOLVED, that ISMS support or cause to be introduced legislation to require~~  
84 ~~all healthcare facilities in the state to implement a Brain Death Protocol consistent with~~  
85 ~~the guidelines by the World Brain Death Project to be used when determining brain~~  
86 ~~death.~~