

Notice of OPTN Policy Change

Clarify Requirements for Pronouncement of Death

Sponsoring Committee:	Organ Procurement Organization
Policies Affected:	2.14.A: Conflicts of Interest 2.15.G: Pronouncement of Death
Public Comment:	January 23, 2024 – March 19, 2024
Board Approved:	June 17-18, 2024
Effective Date:	July 25, 2024

Purpose of Policy Change

These policy changes will provide consistency and assist in ensuring a valid and unbiased pronouncement of death. These changes clarify that donor hospital healthcare professionals who declare the death of the potential deceased donor cannot be involved in any aspect of the organ recovery procedure or transplantation of that donor's organs.

Proposal History

OPOs employ or contract with multiple physicians who are hospital intensivists to provide on-call medical director services. These physicians may need to participate in the pronouncement of death as part of the donor's hospital healthcare team when not on-call for the OPO. The language in *Policy 2.15.G: Pronouncement of Death* states "The donor hospital healthcare team member who is authorized to declare death must not be a member of the OPO or the organ recovery team." This language is broad and does not cover the scenarios previously mentioned and does not provide adequate clarity for OPOs and the OPTN Membership and Professional Standards Committee (MPSC) to determine if the policy has been violated when these situations occur.

The Committee made several revisions to *Policy 2.14.A: Conflicts of Interest* and *Policy 2.15.G: Pronouncement of Death* to ensure consistent terminology and clearly define personnel roles when it comes to the pronouncement of death.

Summary of Changes

Policy 2.14.A: Conflicts of Interest

- Removed "time of death" to be consistent with *Policy 2.15.G: Pronouncement of Death*.
- Added reference to hospital policy and state/local statutes or regulations to be consistent with *Policy 2.15.G: Pronouncement of Death*.
- Removed reference to physician and attending physician since various healthcare professionals are authorized to declare death. It is important to note that this does not impact patient care

because these policies establish a clear separation between patient care and donor evaluation, including pronouncement of death.

Policy 2.15.G: Pronouncement of Death

- Modified language to be donor-specific. For example, the donor hospital healthcare team member who declares death cannot be involved in any aspect of the organ recovery procedure or transplantation of *that* donor's organs.
- Replaced donor hospital healthcare team member who "is authorized to declare death" with "who declares death" to be specific to that donor. There are various donor hospital personnel who might be "authorized" but are not involved in the potential donor's care.

Implementation

OPOs and transplant programs may need to evaluate their internal policies and procedures to account for this policy change. There are no anticipated fiscal impacts on members.

There are no technical implementation resources required for implementation. Communications and educational resources will be provided to support implementation.

Affected Policy Language

New language is underlined (example) and language that is deleted is struck through (~~example~~).

2.14.A Conflicts of Interest

The organ recovery procedure and the transplantation of organs must not be performed by the donor hospital healthcare team member who declares the death of the potential deceased donor. ~~either of the following:~~ Death is declared in accordance with hospital policy and applicable state and local statutes or regulation.

- ~~1. The potential deceased donor's attending physician at the time of death~~
- ~~2. The physician who declares the time of the potential deceased donor's death~~

2.15.G Pronouncement of Death

The donor hospital healthcare team member who ~~is authorized to declare~~ declares the death of the potential deceased donor cannot be involved in any aspect of the organ recovery procedure or transplantation of that donor's organs. ~~must not be a member of the OPO or the organ recovery team. Circulatory death is death defined as the irreversible cessation of circulatory and respiratory functions.~~ Death is declared in accordance with hospital policy and applicable state and local statutes or regulation.