

Procedure for the Declaration  
of Brain Death

**Government of Maharashtra**  
Public Health Department  
Government Resolution No.Maapra-2012/CR-289/Health-6  
Mantralaya, Mumbai- 400 032  
Date:-13<sup>th</sup> September, 2012

Read :- The Transplantation of Human Organs Act, 1994 and The  
Transplantation of Human Organs Rules 1995

**Government Resolution:-** Declaration for Brain Death has been made mandatory in Transplant Hospitals and in Non-Transplant Organ retrieval centres registered under Human Organ Transplant Act, 1994 by Appropriate Authority.

2. Whereas the Transplantation of Human Organs Act of 1994 (THO Act) and the Transplantation of Human Organs Rules, 1995 (THO Rules) are the only pieces of legislation available wherein brain death certification procedures have been elaborately laid down, it is hereby decided that the procedures outlined therein will also be adopted as brain death certification procedure in Maharashtra. This order will also elaborate on the above format to ensure its applicability to the state.

3. Form 8 of THO Act and Rules prescribed as the brain death certification format is to be utilised for any given situation requiring certification that a person is dead on account of permanent and irreversible cessation of all functions of the brain stem. The tests prescribed therein and findings required shall remain the same.

4. According to Form 8 of the said Act and Rules, when such certification is required, there shall be two medical examinations conducted by a team of Doctors after a minimum interval of six hours and the findings made based on the tests prescribed therein.

5. According to form 8 of the above Act and Rules, four Doctors are authorised to certify Brain death and this provision is clarified further, as under:

(i) Doctor No.1 is the 'R.M.P. in charge of the hospital in which brain-stem death has occurred'.

(ii) Doctor No.2 is the R.M.P. (Physicians, Surgeons or Intensivists) nominated from the panel of names approved by the Appropriate authority. Accordingly, a panel of names shall be sent by Dean/Medical Superintendent/Medical Director to the Appropriate Authority namely the Director of Health Services and on approval shall then be utilised as the panel from which a R.M.P. shall be nominated for each brain death certification. Each hospital may determine its own procedure for this nomination.

(iii) Doctor No.3 is 'Neurologist/Neuro-surgeon nominated from the panel of names approved by the Appropriate Authority'. Again, a panel of names shall be sent by the Dean/Medical Superintendent/Medical Director to the Appropriate Authority namely the Director of Health Services and on approval shall then be utilised as the panel from which one specialist as in the category therein shall be nominated for each brain death certification. Each hospital may determine its own procedure for this nomination.

(iv) Doctor No.4 is the R.M.P. treating the aforesaid person. This does not require any clarification and shall be the R.M.P./Doctor on duty treating the patient (No clearances are required from the Appropriate Authority in this category).

Note: I) In the event of lack of authorised personnel in Category (iii) above, in the NTORC hospital concerned, a request may be made to any other member of the panel from the Brain stem death committee of hospital registered under Human Organ Transplant Act by the Appropriate Authority.

II) The 1<sup>st</sup> and 2<sup>nd</sup> Medical examination as defined in Form-8 of the THO rules shall be conducted by category (ii) and (iii) Doctors from the panel approved by the Appropriate Authority.

By order and in the name of the Governor

 13.9.2012  
(T.C. Benjamin)

Additional Chief Secretary

To,

Secretary Medical Education and Drugs Department Mantralaya  
Mumbai

The Director of Health Mumbai

The Director of Medical Education and Research Mumbai

Zonal Transplant Coordination Center Mumbai Pune Nagpur

Deputy Director Health Services Thane/Pune

/Kolhapur/Akola/Aurangabad/Latur/Nagpur

Civil Surgeon (all )

All Transplant Center Hospitals

Dean Government Medical Collages

Members of Advisory committee