

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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July 9, 2012

(504) \_\_\_\_\_

Re: Advisory Opinion —  
Pronouncement of Death

During its meeting most recent meeting, the Louisiana State Board of Medical Examiners considered your request concerning whether, in the Board's view, "[I]t is considered *within ordinary standards of approved medical practice* for a physician who is not physically in the presence of a deceased patient to pronounce death based upon the observations and findings of registered nurses who are in the presence of the deceased patient from whom there is in effect, prior to and at the time of death, a currently valid Do Not Resuscitate ("DNR") order?"

With apologies for the delay in responding, the Board asked that I acknowledge your letter<sup>1</sup> and advise you that it has not altered its previously expressed views on this subject *e.g.*, that a physician's pronouncement of death must be preceded by the physician's personal evaluation and diagnosis of the individual.<sup>2</sup>

While the Board recognizes that the task may be a time consuming one when caring for patients in hospice and certain other out-patient settings, for the reasons previously expressed the Board remains firmly committed to the view that the pronouncement of death is one of the most significant diagnoses that a physician is called upon to make and should be preceded by his or her personal evaluation and diagnosis. We believe that La. Rev. Stat. §9:111A, which has remained substantially unaltered (except with respect to declarations concerning transplant patients) since our prior expression on this issue, is fully consistent with our views.

Very truly yours,

LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

Rita Arceneaux  
Confidential Executive Assistant

<sup>1</sup>Daniel J. Walker, Esq., to La. St. Bd. Med. Exam. (May 25, 2012).

<sup>2</sup>Advisory Opinion, Patient Pronouncement of Death, La. St. Bd. Med. Exam. (Apr. 5, 2005).