Postmortem Anatomical Gifts

Texas law provides that a postmortem anatomical gift (e.g., organs, tissues, body) made by a competent person 18 years or older by donor card, personal identification card, or other legally recognized document, shall be honored without obtaining consent or approval of the next-of-kin. UTMB faculty physicians, UTMB healthcare workers, and the external organ procurement agencies that are affiliated with UTMB, will follow this law as stated in the Texas Anatomical Gift Act. Where donor status is unclear or unknown, UTMB will obtain consent from family or next-of-kin.

Offender Patients

Texas Department of Criminal Justice

Texas Department of Criminal Justice (TDCJ) offender patients are provided with a form, during the diagnostic process, on which the offender may indicate whether he/she wishes to be an eye, tissue, or organ donor if the offender dies while in the custody of TDCJ.

Federal Bureau of Prisons

For offender patients under the care and custody of the Federal Bureau of Prisons (FBOP), FBOP officials may order a postmortem procedure, including removal of tissue for transplanting, with the written consent of a person legally authorized to consent as specified in the 'Authorization for Donations' section.

Donor Protocol

The process for interacting with the family or next-of-kin of potential organ donors and completing the process for anatomical donation is performed by a hospital-based team with clearly defined roles and responsibilities. The team consists of Registered Nurses (RNs); a physician faculty advisor; the Director of Critical Care Nursing, serving as administrative advisor; and the coordinator from the Southwest Transplant Alliance (STA).

When the donor status of a potential organ donor is unclear or unknown, the team interacts with the family/next of kin as follows: **In the case of suspected brain dead patients,** the Medical Doctor (MD) or an RN will notify STA. The MD explains and reinforces the brain death prognosis to the family/next-of-kin. STA contacts the family and provides them with the necessary emotional support and comfort, and facilitates communication among the family and other members of the team if necessary. The STA coordinator explains the option to donate the decedent's organs, tissue, and eyes. The STA coordinator also explains the consent form and has them complete it if they agree to authorize the donation. If they do not authorize the donation, the STA coordinator records this on the form. . **In the case of a non-brain dead (i.e., cardiovascular) death**, the n nurse assigned to the patient will notify STA. STA will prescreen the decedent to determine if suitable for donation. When the donor status of a suitable decedent is unclear or unknown, the STA coordinator approaches the family and requests consent for tissue and eye donations. STA will notify the Southeast Texas Lions Eye Bank when eye donations are being obtained.

Obtaining Consent, continued

When the basis for the authorization is from a legally recognized donor, a copy of the donation document serves as the consent form. The donative intent shall be evidenced by a card provided by the Texas Department of Public Safety.) Authorizations for donations from any party other than the decedent must be obtained before organs and/or tissues are retrieved using the *Consent for Organ/Tissue Donation* form. When authorization is given by the family, no unnecessary burden will be placed on them, nor will they incur any charges.

If the decedent is deemed unsuitable or if the donor status is unknown or unclear and the family/next-of-kin objects, the same form is completed, indicating that the family does not wish to donate. A copy of the decedent's donation document or the original completed *Consent for Organ/Tissue Donation* will be filed in the decedent's medical record.

Guidelines

Donation of a decedent's body may be made to a member institution of the Anatomical Board of the State of Texas (SAB) or another state. Acceptance criteria and donation procedures vary by institution, therefore the family/next-of-kin must contact a program to obtain acceptance of the donation. A list of willed-body programs in Texas is available on the intranet at http://my.utmb.edu/dap/. A list of willed-body programs in the United States is available on the internet at http://www.med.ufl.edu/anatbd/usprograms.html.

If the body was pre-willed, that institution should be contacted to notify them of the death and to arrange for transportation.

Unclaimed bodies may be donated to the Anatomical Board of the State of Texas 72 hours postmortem. A willed-body program must be contacted for acceptance.

Bodies that have undergone previous postmortem procedures (e.g. autopsy) may preclude acceptance by some willed-body programs and should be verified at time of donation request. Bodies with known or suspected communicable diseases also will not be accepted by most willed-body programs.

Authorization for Donations

Persons responsible for authorizing donations of all or any part of a decedent's remains are listed below in order of priority:

- Decedent's written donation: The donative intent shall be evidenced by a card provided by the Texas Department of Public Safety).
- The following persons, in the following priority, may authorize donation provided 1) a higher priority person is not available; 2) there is no actual notice of contrary indications by the decedent; and 3) there is no actual notice of opposition by a member of the same or a higher priority class:
  1. the decedent's spouse.
  2. the decedent's adult child.
  3. either of the decedent's parents
  4. the decedent's adult brother or sister.
  5. the decedent's guardian at the time of death.
  6. Any other person authorized or under an obligation to dispose of the

body.

Authorization for Donations

When the decedent's status is unclear or unknown, authorizations from family/next of kin for organ and/or tissue donations may occur in writing or by telephone. Telephone consent requires a subsequent confirmation by telegram or fax (receiver of fax must have a witness' signature). A tape recorded conversation is also sufficient as confirmation (no witness required). Any document of authorization (e.g., fax, letter, or telegram) should be attached to the consent form.

Recovering Organs and Tissues

Organ donations can be obtained only from patients who have been pronounced brain dead by the physician. All donations of organs and tissues from decedents pronounced brain dead are coordinated by STA. To safeguard the viability of the organ/tissue, STA will ensure that donations are retrieved in a timely manner that is suitable for the family.

The following UTMB departments and external agencies collaborate to obtain organs, tissue, and eyes:

Type of Donation	UTMB Department(s)	External Agency
Organs (except eyes) and tissue (brain death)		Southwest Transplant Alliance (STA)
Tissue (cardiac death) Eyes	Nursing	Southwest Transplant Alliance (STA)

Uses and Disclosures Allowed

In accordance with 45 CFR §164.512, UTMB may disclose protected health information about decedents to coroners, medical examiners, funeral directors, or for organ donation purposes, as necessary to carry out specific duties.

Disclosures for such circumstances require neither consent nor authorization prior to the necessary use and disclosure.