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"Your Personal Health & Medical History" ©

Organ Donation

Organ Donation Form
Refusal to Donate Form

Developed, Published & Distributed by:



Refusal to Donate Form

I, _____ (Full address): _____
_____, refuse to donate any of my organs, tissues,
or parts to be used for any purpose upon my death.

If any provision in this document is held to be invalid, such invalidity shall not affect the other provisions which can be given effect without the invalid provision, and to this end the directions in this document are severable.

Date Signed: _____

Nondonor (Print Name) _____

Signature: _____

Nondonor's Date of Birth: _____

I witnessed that the Nondonor signed this document in my presence. I am signing in the presence of and at the direction of the Nondonor and in the presence of the other witness:

Witness (Print Name) _____

Signature: _____

Witness (Print Name) _____

Signature: _____

Organ Donation Form

I, _____ (Full address): _____
_____, give my organ, tissues, or parts as directed below. The Anatomical Gift will take effect upon my death.

I give: (initial one of the three options)

_____ any needed organs, tissues, or parts.

_____ any needed organs, tissues, or parts except: _____

_____ the following organs, tissues, or parts only: _____

I give my organs, tissues, or parts indicated above to be used for: (initial one of the two options):

_____ any purpose authorized by law.

_____ the following purposes only: (initial all that apply)

_____ transplantation _____ research

_____ therapy _____ education

Limitations or special wishes, if any: _____

If any provision in this document is held to be invalid, such invalidity shall not affect the other provisions, which can be given effect without the invalid provision, and to this end the directions in this document are severable.

Date Signed: _____

Donor Signature _____

Donor's Date of Birth: _____

I witnessed that the Donor signed this document in my presence. I am signing in the presence of and at the direction of the Donor and in the presence of the other witness:

Witness _____

Signature: _____

Witness _____

Signature: _____

Your Personal Health and Medical History”™

Organ Donations

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Organ Donations

Organ Donation Form

Organ donations are often referred to as "anatomical gifts". All fifty states have passed some version of the Uniform Anatomical Gift Act, generally providing that individuals may make a gift of their organs and tissues during their lifetime with the gift to take effect on their death.

Additionally, family members may generally donate organs and tissues of a deceased individual if there is no indication the deceased individual had been opposed to such a donation. It is therefore important for individuals to document their wishes concerning organ donation.

Options

Consistent with the latest version of the Uniform Anatomical Gift Act, this document provides users the opportunity to:

1. Make a donation of organs and tissues to take effect on death,
2. Amend or revoke a prior organ donation, or
3. Document the refusal to make an organ donation.

Users are referred to this programs separate document, "Refusal to Donate Form" for more information on documenting a refusal to make an organ donation.

Alternative Revocation Methods

In general, the Uniform Anatomical Gift Acts provide that an organ donation document may be revoked in any of the following ways:

1. A signed statement or document indicating revocation
2. An oral statement made in the presence of two individuals
3. Any communication to a physician during a terminal illness or injury
4. Delivering a signed revocation to a designated donee

If a previous donation is contained in a will, amending the will may revoke the donation. The Uniform Acts also provide that any of the four options above are effective to revoke a donation made in a will.

Designated Donees

The Uniform Anatomical Gift Acts allow a donor to designate a "donee," the individual or institution who is to receive the donated organs and tissues.

HOWEVER, since not all donees can use a donation for any purpose, care must be taken to avoid inadvertently restricting or essentially revoking a donation. For example, a medical or dental school, college or university is generally not authorized to use organs or tissues for transplantation or, in some states, for therapy.

Individuals, except for physicians and surgeons, can only use organs or tissues for transplantation or therapy needed by that individual. Donors from Ohio, Vermont, Utah, Virginia, and Texas should read the "State Limitations" Section below.

Use Caution - A Donor who desires to narrowly limit a donation to a specified donee is encouraged to contact the donee (such as a medical school or hospital) or an organ procurement organization in the Donors state to assure the necessary steps are taken and the form is completed correctly to accomplish the Donors specific goal.

Organ Donations

No Donee Designated

If there is no designated donee or the designated donee is not available or rejects the donation, depending on the specific state law either the attending physician or any hospital can generally accept the donation.

Once a donee accepts organs and tissues, that donee can then transfer the organ and tissues so that a party who will use them ultimately receives the tissues. There is a national system to allocate organs to individuals who need them for transplantation.

Factors such as the urgency of the prospective recipient's need for the organ, the closeness of the biological match between the donor and prospective recipient, and geographic proximity help determine who receives donated organs.

Acceptable Donees

In general, the following are acceptable donees: hospitals; surgeons; physicians; accredited medical or dental schools, colleges, or universities; organ/tissue banks or storage facilities; organ procurement organizations; or a specified individual who needs an organ or tissues for therapy or transplantation.

Some states have additional permissible donees, such as schools of veterinary medicine, nursing schools, or Health Departments. Mississippi actually incorporates acceptable donees and the purposes for which a donation

Several states additionally limit who can accept donations. Ohio, Vermont and Utah limit Donees to:

1. Hospitals, surgeons, physicians or recovery agencies (able to receive gifts for any purpose authorized by law) or
2. Medical or dental schools, colleges, or universities (able to receive gifts for education, research or the advancement of medical or dental science).

Donors should note that the above states do not list individuals in need of transplant as acceptable donees. Virginia also does not list individuals in need of a transplant as acceptable donees. In Texas, a physician must specify an individual who needs an organ or tissues for transplant or therapy.

Donations During Life

This document only deals with the donation of organs after death. Donations of organs or tissues before death, such as donating blood, bone marrow, or one kidney, is a completely different process. Since the donor is alive for such a donation, consent would generally be obtained at that time.

There could be circumstances where a person is alive but unable to give consent to an organ donation. For example, if a person suffers an injury or disease that results in a comatose state, that person would be unable to communicate and give consent to an organ donation.

If a family member of that person could benefit from a bone marrow or kidney transplant it may be difficult to obtain permission for the comatose persons organ to be transplanted into the needy family member if it is medically feasible to do so.

Organ Donations

Courts have dealt with this issue in the context of mentally incompetent individuals with family members who need organ transplants. Users are encouraged to refer to this programs documents, "Health Care Power of Attorney" or "Advance Health Care Directive" for information on designating someone to make health care decisions in the event that the patient is unable to do so.

Designated Individuals to Perform Procedures

Donors may indicate a physician or surgeon to carry out the procedure in the "Limitations or Special Wishes" section of the form. Donors should note that not all physicians or surgeons would be qualified or willing to carry out the necessary procedures to remove organs and tissues for donation.

Additionally, the laws of some states do not allow an attending physician or physicians designated as donees to perform retrieval procedures. If there is no individual designated on a donor form to perform the procedures or if that individual is unavailable, appropriate individuals will be authorized to carry out the procedures.

Appropriate Individuals

State laws vary on what individuals are allowed to remove organs and tissues. Generally, physicians, surgeons, specially trained technicians or procurement specialists, and individuals specially trained in eye removal may remove organs and tissues. The Acts, however, generally provide that donors can only designate physicians or surgeons.

Donations on Drivers Licenses

Many states provide that donor information can be or will be incorporated into drivers licenses and identification cards. States use the following methods for this purpose:

1. Imprinting or attaching a symbol to a license or card that indicates an individual is a donor or is willing to be a donor;
2. Imprinting an actual donor form on the reverse side of a license or card to be completed when the license or card is issued; and
3. Providing the opportunity for donor form completion at the time of license application with a possible indication on the license of an individuals donor status or even filing of donor forms with a state office.

Revoking License Donations

State laws vary on whether the revocation, suspension, or expiration of a license that contains a donation effectively revokes a donation.

Additionally, states have various methods to revoke such donations, such as crossing through the form on the license, signing a revocation on the back of a license, destroying the card that accompanies a license, or sending written notice to the motor vehicle office. If a Donor desires to revoke or amend a donation made or reflected on a drivers license the Donor should follow any instructions provided at the time of the donation.

Organ Donations

If there are any doubts about the status of a drivers license donation, it is recommended that the state officials responsible for the administration of the drivers licenses or donor forms be contacted concerning the revocation of a donation. At the minimum, it is recommended that the Donor carry any new organ donation forms or revocation documents with the license or identification card so that the revocation or new form will likely be discovered.

Donations by Others

In general, state laws provide which family members or other individuals are authorized to make organ donation decisions concerning a deceased individuals body. Family members may be involved even if a deceased individual had completed a donor form during life. For example if the form is invalid for any reason or is not located when an individual dies, the family may be asked to make a donation decision.

Additionally, it is common practice for health care providers to ask family members for consent before removing organs and tissues after an individuals death even if that individual had completed a valid donor form and the form is located. It is recommended that Donors discuss their wishes with their families and that Donors carry any organ donation form that they have completed in their wallets.

Who Donates

In many states, individuals are asked to make organ donation decisions concerning deceased individuals in the following order: spouse, adult children, parents, adult siblings, and guardian. Some states give an attorney-in-fact under a power of attorney document authority to make organ donation decisions. States differ on whether the attorney-in-fact has priority over family members in decision making and whether the power of attorney instrument must specifically give the attorney-in-fact power to make organ donation decisions.

It is recommended that if individual desires that an attorney-in-fact have the power to make organ donation decisions, this should be specifically stated in the power of attorney document. Whether the attorney-in-fact will be able to make donation decisions will likely depend on the state law that applies.

Medical Examiners and Coroners

Many states also provide that the organs and tissues of a body in the custody of a medical examiner or coroner may be removed under certain circumstances. Generally, removal is not allowed if there is an objection by the deceased individuals next-of-kin or if it is known that the deceased individual did not want to be an organ donor

Extra Steps At Revocation

It is important that a revocation of a donor form be communicated to anyone who had previously received a copy of the now-revoked form. If a previous donation was delivered to a specified donee, many states require that a copy of the revocation or communication of the revocation also be sent to that donee. It is recommended that the following actions be considered in addition to indicating a revocation:

Organ Donations

1. If the Nondonor has a copy of the now-revoked donor form, it is recommended that it be destroyed.
2. If the Nondonor had previously sent copies of the now-revoked donor form to other parties it is strongly recommended that a copy of the revocation and "Refusal to Donate Form" also be sent to those parties. It is recommended that Nondonors communicate any revocations of prior donations and their current wishes concerning organ donation to their families. Family members are often involved in organ donation decisions so it is important that they are aware of the existence of revocations and a users wishes.

Hospital Procedures

There has been substantial activity aimed at increasing the availability of organs for transplant purposes since organ demand far exceeds supply. Many states require that hospitals ask patients if they have completed a donor form or if they would like to do so when they are admitted to a hospital. The hospital may request a copy of organ donation forms or a refusal form for an individuals medical record. Additionally, a federal law requires most hospitals to identify potential organ donors and inform their families about the possibility of organ donation near or at the time of death.

Making the Donation

In general, the laws of all states provide that an individual may make an organ donation by completing a document. Generally the document may be a card carried with the individual, may be imprinted on or attached to a drivers license, or may be any other document.

Organ donations may also be valid if contained in a will. The use of a will as the only method to donate organs is not recommended because such instructions might not be made known in time to allow organs or tissues to be donated.

State Variations

If the Donor has specific questions out their states requirements it is recommended that the Donor contact an attorney.

Donors can contact a local hospital or another health care agency for more information about organ donation in their particular states. Donors are encouraged to read the topic, Donations by Others. Important role that family members play in the organ donation

For Nevada minors under the age of 12, a parent or guardian must sign on behalf of the minor with two additional witnesses and the actual donor need not sign. Indianas provision allowing minors to donate is only incorporated into the states drivers license provisions. Texas requires parental consent for a form to be valid if the minor actually dies before the age of 18.

Minors As Donors

The Uniform Anatomical Gift Acts and the majority of states provide that an individual 18 years of age or older can execute an organ donation document. Nebraska requires an individual to be 19 years of age. Maine, and Louisiana under certain circumstances, allow an individual 16 years of age or older to execute a donor document.

States Allowing Minors To Donate

Some states allow a minor to make a donation, including: Delaware, Indiana, Iowa, Minnesota, Ohio, Virginia, Wyoming, Nevada, South Dakota, Texas. Although several states allow a minor 16 years old or older to execute a document, it is recommended that parental or guardian consent be obtained for minors in all states to increase the likelihood that their donations would be honored in any state.

Organ Donations

States That Are Silent

In states where state law does not provide that minors can donate organs and tissues, minors are encouraged to complete an organ donation form if they have opinion about the donation of their organs. A completed form indicates the wishes of a minor and may assist a parent or legal guardian in making a donation decision at a later time.

Parents Preferred

Some states prefer that parental consent be obtained even if a guardian has been appointed for a minor. Delaware specifically requires parental consent unless a parent is no longer living or no longer has contractual capacity. This programs form provides for both parents signatures although this is not required by any state. If both parents are available and willing to consent to the donation, both signatures on the form may facilitate the actual donation process at a later time.

State Specifics

There are several state-specific rules concerning donations by minors. South Dakota and Iowa only allow a minor 14 years old or older to execute a document with the consent of a parent or guardian. However, even minors under the age of 14 are encouraged to complete form to indicate their wishes. Delaware exempts married minors from the requirement of parental or guardian consent. Ohio, Wyoming and Nevada (for a minor 12 or older) require that one of two witnesses be a parent or guardian.

Organs Donated

Unless the Donor specifically desires to exclude certain organs, tissues, or parts from donation, it is recommended that the Donor simply indicate that "any needed organs, tissues, or parts" are donated. Checking the "any needed" option provides flexibility to allow the greatest possible use of a Donors organs, tissues, and parts after death.

Body Donations

Some organ donation forms allow an individual to make an anatomical gift of the entire body. However, the donation of ones entire body often requires specific arrangements with the designated recipient of the body, such as a medical school. The user should contact a medical school if they desire to make such a donation.

Donors are encouraged to read the topic, Brain Death and Organ Donation Procedures for more information on the circumstances under which some organs can be used for transplantation.

Revoking Previous Donations

To avoid any confusion and to clarify an individuals wishes, it is recommended that old donor forms be revoked when a refusal to donate form is completed.

Organ Donations

Revocation

To avoid any confusion that may arise if more than one donor form is located after a Donors' death, it may be advisable to revoke old donor forms when a new donation form is completed. If a Donor has previously completed a donor form and now wishes to make changes to that donation, it may be easiest to simply revoke the old form and complete a new form.

Caution: If a previous donation was delivered to a specified donee, many states require that a copy of the revocation or communication of the revocation also be sent to that donee.

Amendment

If, however, there is something specific on an old donor form that a Donor does not wish to revoke, a new form could be designated as amending the previous form. For example, many Donors may have signed specific forms for the donation of just eyes or kidneys.

Those forms may be silent about other organs and tissues and a Donor may wish to add the donation of other organs. Depending on the circumstances, it may be preferable to leave a specific donation in effect and to establish a new form as an amendment.

It is recommended that new donor forms that "amend" previous forms be consistent with previous forms if possible. For example, if an individual previously completed a form donating only their eyes, it is recommended that the Donor also donate their eyes on the new donor form (unless they have changed their mind on eye donation).

Donors who are revoking or amending a previous form should read the topic, Extra Steps at Revocation.

Refusal to Donate

All fifty states have passed some version of the Uniform Anatomical Gift Act, generally providing that individuals may make a gift of their organs and tissues. Additionally, the Acts provide that family members may generally donate organs and tissues of a deceased individual if there is no indication the deceased individual did not want to be an organ donor.

The latest version of the Uniform Anatomical Gift Act provides that an individual can document a refusal to donate organs. Even states that do not expressly address "refusal to donate" documents, provide that an individual's wishes NOT to be an organ donor are to be honored at the individual's death.

If an individual does not want to be an organ donor for any reason, it is recommended that they document their refusal to donate regardless of whether the individual's state specifically provides for such a document. A documented refusal may assist others in making a donation decision that is consistent with an individual's wishes. If the Nondonor has specific questions about refusing to be a donor it is recommended that the Nondonor contact an attorney.

Severability

The severability paragraph provides some protection against the possibility that an entire organ donation form might be declared invalid simply because a state law does not permit a specific provision that was included in the form.

Organ Donations

For example, it is possible that an unusual request under the "Limitations or Special Wishes" section would not be enforceable. If that occurred, the inclusion of the severability paragraph would decrease the possibility that the unusual provision would cause the entire organ donation form to be invalid.

Signatures

All states require that the Donor sign the document making an organ donation. (State laws generally provide that another person may sign on behalf of a Donor who is physically unable to sign). Generally individuals must be competent to execute a valid document. Many states specifically provide that an individual must be of "sound mind" to execute a valid organ donation document.

Some states require that an individual be competent to execute a will to execute a donor form. Generally, "competency" is the mental ability to understand the general effect of a transaction or document. Generally, every adult is presumed to be competent. Donors should consult an attorney if they have questions about competency.

Incompetency

If an individual has a court appointed guardian or conservator, or has been determined incompetent, that individual or their guardian should consult an attorney who is familiar with state laws regarding competency to obtain advice about completing a donor form.

A document completed and signed by an individual who was not competent may not be valid. In the event that a donor form is invalid, the would-be Donors family or guardian would likely be asked to make any organ donation decisions.

State Specific Donations

In general, the laws of all states provide that an individual may make an organ donation by completing a document. Generally the document may be a card carried with the individual, may be imprinted on or attached to a drivers license, or may be any other document. Organ donations may also be valid if contained in a will. The use of a will as the only method to donate organs is not recommended because such instructions might not be made known in time to allow organs or tissues to be donated.

The Use Of Organs

The Uniform Anatomical Gift Acts provide that organs, tissues, or parts may generally be used for transplantation, therapy, research, and medical education. However, it is not always possible for organs and tissues to be used for all purposes. Some organs or tissues may not be used if it would interfere with an autopsy or another investigation.

Additionally, if a Donor suffers from particular diseases or dies under certain circumstances, the Donors organs and tissues may not be suitable for transplantation. Certain medical tests will be completed to assure that organs and tissues are acceptable for transplantation or therapy. Organs and tissues not useful for transplantation or therapy may be useful for research or education.

Witnesses

It is recommended that two witnesses sign this programs "Refusal to Donate Form" so that it is more likely to be valid in all states. The majority of states still require two witnesses for a valid execution of a donation form. States that refer to Donate Document require two witnesses when another individual signs on behalf of a nodonor. Generally, witnesses should be adults, mentally competent and present when the Nondonor signs the form.

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