



EDUCATION CORNER

FIRST PERSON AUTHORIZATION (FPA) AND DONATION AFTER CIRCULATORY DETERMINATION OF DEATH (DCDD)

Foundational and Legal Considerations

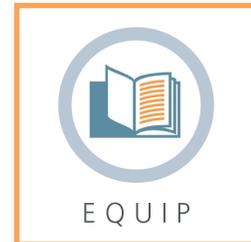
- The Uniform Anatomical Gift Act (UAGA) is state law governing the organ donation process after death, including who can authorize donation. The UAGA is based on gift law and not informed consent principles.
- An adult individual who has registered to be a donor is authorizing an anatomical gift to be made after death. The anatomical gift (e.g. donor registration) is irrevocable upon the donor's death.
- The gift of donation is conditional on death, regardless how death is declared (neurological or circulatory criteria). An individual designating themselves to be a donor is authorizing donation regardless of how the death is declared. Thus FPA applies equally to donation after brain death as it does to DCDD.

Additional Legal and Ethical Considerations in DCDD

- An anatomical gift (authorization for donation, e.g. registration to be a donor, living will, etc.), from a legal stance, is irrevocable upon death.
- It is important to distinguish that authorizing donation does not equate to authorization of withdrawal of life-sustaining measures. The decision to withdraw life-sustaining treatments must be made independently from the donation decision from an ethical perspective.
- An individual designating themselves to be a donor, is authorizing donation, regardless of how the death is declared.
- Authorization for pre-mortem procedures required to prepare for the donation process, would still be needed from the family. This is usually accomplished through a normal informed consent process by the hospital team.

Family Support

- When a family is considering a withdrawal decision, it is important this decision is made independently from the desire to honor the patient's donor designation.
- Timing for the withdrawal is often a concern for families who want to withdraw and can impede the facilitation of the donor designation, which was the patient's wishes.
- The Family Services staff from the Organ Procurement Organization (OPO) may choose to redirect the family to consider, based on their knowledge of their loved one, why they would have designated themselves to be a donor. Another question may be, what their loved one would say about their wishes if they were part of the conversation. This can help the family to refocus on honoring the patient's wishes.



Taken from a webinar presentation by A.K. Glazier, JD, MPH (New England Organ Bank) and M.Pincince, BA, STB (Donor Network of Arizona). A special thanks to them for their contributions in this inservice.