

LOS ANGELES GENERAL MEDICAL CENTER POLICY

Subject: ORGAN AND TISSUE DONATION	Original Issue Date: 3/1/93	Policy # 232
	Supersedes: 1/25/19	Effective Date: 8/16/23
Policy Owner(s): Admin, Critical Care Executive Sponsor(s): Chief Operations Officer		
Departments Consulted: Ethics Resource Committees Fetus/Infant/Child Ethics Committee Office of Risk Management Nursing Services Intensive Care Units	Reviewed & approved by: Attending Staff Association Executive Committee Senior Executive Officer	Approved by: Chief Operations Officer
		Chief Executive Officer

PURPOSE

The Medical Center shall comply with federal and state laws California Health and Safety Code 7184, Senate Bill 2777 (Uniform Anatomical Gift Act (UAGA), CMS 42 CFR, Section 482.45 and Health Insurance Portability and Accountability Act of 1996, 45 Code of Federal Regulations, Parts 160 and 164 (HIPAA).

DEFINITIONS

- Anatomical gift:** *Donation of all or part of a human body or a pacemaker to take effect after death.*
- Organ:** *Heart, lung(s), liver, pancreas, kidney(s), and small bowel.*
- Tissue:** *Ocular tissue, skin, bone, soft connective tissue (tendons and fascia), heart valves, pericardium, blood vessels, dura mater, and vertebral bodies.*
- Decedent:** *A deceased individual, including a stillborn infant or fetus.*
- Document of gift:** *A card, statement attached to or imprinted on a driver's license, a will, the Donate Life California Donor Registry (www.donatelifecalifornia.org or www.donevidacalifornia.org) (or the registry of another state, as applicable), or other writing used to make an anatomical gift.*
- Agent:** *An individual who is authorized to make health care decisions on the principal's behalf by a power of attorney for health care or is expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.*
- Procurement Organization/ Agency:** *Individual, corporation or any other legal or commercial entity licensed, accredited, or approved under the laws of California or the California Department of Health Services for procurement, distribution or storage of human bodies or parts, and having a Los Angeles County Board of Supervisors-approved contract with Department of Health Services.*
- Disinterested witness:** *A witness other than a family member or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term does not include an individual or entity to which an anatomical gift could pass.*

POLICY

To ensure that patients, patients' families, and/or patients' agents have the opportunity for free exercise of their right to donate organs and tissues and to define the process for authorization, testing, donor support, and organ and tissue recovery.

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REPORTING TO PROCUREMENT AGENCY (AGENCY)

Nursing staff and/or designee(s) will notify the Agency of every death or imminent death in the Medical Center.

The Agency will issue to the Medical Center Nursing staff a confirmation number, confirming receipt of notification, which shall be recorded by Nursing staff in the electronic medical record (ORCHID).

DEATH DECLARATION

Physician declaration of death shall be made in accordance with accepted medical standards as approved by the Attending Staff Association (Refer to ASA Policy 106, *Declaration of Death*).

AUTHORIZATION OF GIFT OF DECEDENT'S BODY OR BODY PART

During the life of the donor, the following persons are authorized under UAGA to make an anatomical gift of the donor's body or part of the purpose of transplantation, therapy, research, or education.

OPO Agency trained staff is responsible for approaching and requesting the decedent's agent or next-of-kin and obtaining authorization for donation. The authorization process shall be carried out in a sensitive, discreet manner, and shall include informing decedent's agent or next-of-kin that donation is voluntary.

Any member of the classes of persons who is reasonably available may authorize a gift of the donor's body or part, *in the order of priority*, as defined in Health and Safety Code 7150.15. Authorization by an authorized person by telephone, telegraph or another recorded message that is *contemporaneously* reduced to writing and signed by the recipient of the request is acceptable.

The Agency may approach for the purpose of introducing donation to the family or surrogate only after the declaration of death. If the family introduces the subject of organ donation prior to death of the patient, the Agency must obtain approval from the attending physician prior to answering questions and offering family support.

Release for donation by the Los Angeles County Coroner is required prior to proceeding with donation if the Coroner has jurisdiction over the decedent.

NOTE: If the patient is pregnant with a live fetus, and death has been determined using neurologic criteria, legal counsel shall be sought before discontinuing mechanical support.

A donor or other person authorized to make an anatomical gift before the donor's death may amend or revoke a gift. In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not to be considered a refusal to make another anatomical gift.

DILIGENT SEARCH FOR FAMILY MEMBER OR AUTHORIZED AGENT

A *diligent search* will be conducted for 24 hours to identify and locate family member or authorized agent. If an individual has been identified but contact has not been established, the hospital may extend the search period if it appears likely that contact is imminent.

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The *Documentation of Diligent Search for Person Authorized by Law to Give Consent for Organ Donation* (Form 473) must be completed prior to administrative authorization. The potential donor will be maintained on ventilatory and cardiovascular support until completion of the *diligent search* process.

MEDICAL CENTER AUTHORITY (Unavailable Next-of-Kin or Authorized Agent)

The Medical Center may authorize the removal of organs/tissues under the following conditions:

- The *Documentation of Diligent Search for Person Authorized by Law to Give Consent for Organ Donation* (Form 473) has been completed **and**
- If there is no knowledge that the decedent’s religious affiliation would indicate that donation would violate the decedent’s religious beliefs **and**
- If the Los Angeles County Coroner has jurisdiction over the decedent, the Agency will obtain coroner’s release **and**
- If there is no knowledge that the decedent has refused donation.

ORGAN AND TISSUE MAINTENANCE

Until suitability of organ/tissue for transplantation has been determined, ventilatory and cardiovascular support shall be continued and shall continue until organ recovery begins.

The Medical Center shall provide necessary testing, consultation and support required by the Agency, as resource availability permits. Laboratory will provide STAT laboratory results. Agency staff shall arrange, and finance laboratory tests performed by outside laboratories.

AGENCY RESPONSIBILITIES AND AUTHORITY

Agency staff must follow all Medical Center policies and procedures.

It is the responsibility of the Agency to coordinate with the United Network of Organ Sharing (UNOS). The Medical Center does not perform credentialing reviews or grant privileges of Medical Staff membership to members of the organ recovery teams.

Agency is responsible for scheduling and coordinating organ and tissue recovery. Decedents may be considered for tissue donation up to 24 hours following death.

DONATION AFTER CIRICULATORY DEATH

Donation after circulatory death (DCD) may provide next-of-kin with the opportunity for organ donation for patients who do not fulfill the criteria for brain death as outlined in ASA Policy 106. This event can take place only after a decision to remove life-sustaining treatment is made at the request of the patient or by the patient’s authorizing agent and the opinion of the patient’s attending physician that cardiorespiratory arrest will likely occur within 90 minutes (subject to

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change at the discretion of the transplant center if less than 90 minutes) following withdrawal of life support.

Refer to DCD Workflow.

In accordance with hospital policy, any healthcare professional having a personal ethical conflict with participating in organ recovery after cardiac death may notify his/her supervisor and request release from the duty to care for the patient. The supervisor is responsible for providing an appropriate substitute.

RELEASE TO AGENCY FACILITY

Agency and/or the Medical Center may request identification of authorized donors to be released to an outside facility for donor management and/or recovery of organs (as appropriate). Such requests must be reviewed and approved by the Chief Operating Officer or his/her designee.

PROGRAM OVERSIGHT

Oversight of the organ and tissue donation and procurement process, including case review and review of patient rights and ethical issues, will be provided by a multidisciplinary Organ and Tissue Subcommittee, which reports to the Critical Care Committee. Agencies shall provide monthly reports required to determine regulatory compliance and outcomes of the death reporting process, and documentation of staff education activities. Through the Medical Center quality management structure, the subcommittee shall report its activities and outcomes and may recommend policy and/or procedure changes. The subcommittee shall also serve as a resource for organ and tissue donation information.

RECOVERY OF COSTS

Medical Center costs for organ and tissue procurement shall be reimbursed by the Agency at rates approved by the Los Angeles County Board of Supervisors. The Agency shall be billed monthly in arrears.

PROCEDURE DOCUMENTATION

Attending Staff Manual
 Clinical Social Work Department Policy and Procedure Manual
 Finance Policy and Procedure Manual
 Health Information Management Policy and Procedure Manual
 Laboratories and Pathology Policy and Procedure Manual
 Nursing Services Generic Structure Standards
 Los Angeles County Sheriff Department Policy and Procedure Manual
 Department of Pastoral Care Policy and Procedure Manual

ATTACHMENTS

Attachment A: Donation After Circulatory Death (DCD) Workflow

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REFERENCES

- Federal law, 42 U.S.C. Section 274 *et seq.* (establishment of nationwide organ procurement and transplantation Medical Center and, in each geographical service area, federally designated organ procurement organizations). <https://www.law.cornell.edu/uscode/text/42/274>
- Centers for Medicare and Medicaid Services (CMS) 42CFR, Section 482.45, Medicare Conditions of Participation (reporting, discretion and sensitivity, agreements with organ, tissue and eye agencies, staff education, agency death record review, maintenance of potential donors). <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-482/subpart-C/section-482.45>
- 45 Code of Federal Regulations Parts 160 and 164; Section 164.512 (HIPAA section).
- California Health and Safety Code, Part 1 of Division 7, Chapter 3.5 (commencing with Section 7150. 7150, Uniform Anatomical Gift Act (UAGA)).
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=7.&title=&part=1.&chapter=3.5.&article=
<https://www.donornetworkwest.org/wp-content/uploads/UAGA-CA.pdf>
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7150.15
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7150.20.&nodeTreePath=10.1.4&lawCode=HSC
- California Health and Safety Code Section 7180 (definition of death).
<https://www.lifesharing.org/wp-content/uploads/2016/03/castatelaw.pdf>
- Los Angeles General Medical Center Attending Staff Association (ASA) Policy 106, Declaration of Death.
- Joint Commission Hospital Standards (Transplantation Safety)

REVISION DATES

February 11, 1999; April 9, 2002; January 27, 2004, June 10, 2008, October 6, 2008, May 8, 2012; January 12, 2016; January 25, 2019; August 16, 2023