

Revised Anatomical Gift Act

► What is an “Anatomical Gift”?

An “anatomical gift” is a donation of all or part of a human body, after death, for the purpose of transplantation, therapy, research, or education. You may also donate some of your organs or tissue while you are alive by making arrangements with certain medical providers; however, that process is not covered in the anatomical gift law.

► Can I Be a Donor?

Anyone can decide to become a donor. Your medical condition at the time of death determines what organs and tissues can be donated, not age or chronic illness. Medical professionals evaluate the potential for organ and tissue donation on a case-by-case basis at the time of death.

► Why is a Donation Important?

Thousands of people die or suffer needlessly each year due to a lack of organ and tissue donors. A transplant is often the only hope. A single donor can save the lives of up to eight people and enhance the lives of up to 50 others.

► What Organs and Tissue Can I Donate?

Vital organs and tissues can be donated for transplantation. Organ donation is an option for people who have been declared legally dead by brain death criteria. Tissue donation is an option for people who have been declared legally dead by brain or cardiac criteria.

- **Organs** – heart, kidneys, pancreas, lungs, liver, and small intestine.
- **Tissue** – cornea, skin, bone, bone marrow, heart valves, blood vessels, and tendons. Tissue donation, such as skin for burn victims or eye donations for sight-restoring cornea transplants, gives people a chance to lead full, productive lives.

► May I Donate My Body for Science, Education, or Research Purposes?

Yes, and to assure that your body will be accepted, you should make arrangements in advance for such a donation with a scientific, educational, or research institution.

▶ **What is Brain Death?**

Brain death results from a severe, irreversible injury to the brain. All areas of the brain are damaged and no longer function. In situations of brain death, a person cannot sustain life, but vital body functions may be maintained in an intensive care unit for a short period of time. This maintains circulation to the vital organs long enough to facilitate organ donation. People who experience brain death can also donate tissue.

▶ **What is Cardiac Death?**

Cardiac death results when the heart and breathing cease to function. All organs and tissue in the body suffer from a lack of oxygen circulation and die. People who experience cardiac death are able to donate tissue after their deaths but not organs.

▶ **Will My Decision to Donate Affect the Quality of My Medical Care?**

No. Organ, eye and tissue recovery takes place only after **all** efforts to save your life have been exhausted and death legally declared. The doctors working to save your life are entirely separate from the medical team involved in recovering organs and tissues after your death.

▶ **Can a Person Be Too Old or Sick to Donate?**

- **Perhaps.** People of all ages may be an organ and tissue donor.
- Your medical condition at the time of death will determine what organs and tissue can be donated.
- A physician will decide whether your organs and tissue can be transplanted.

▶ **What Medical Conditions Prohibit Donation?**

Each potential donor is evaluated for the presence of conditions or illnesses that might put the transplant recipients at risk. The only contraindications to donation are the presence of HIV infection and/or active hepatitis infection. All other medical conditions are evaluated individually at the time of donation. Many people with chronic medical problems have safely donated vital organs and tissue.

▶ **Will Donation Disfigure my Body?**

- **No.** Donation does not disfigure the body or change the way it looks in a casket.
- It does not delay funeral arrangements.

▶ Will Donation Affect Memorial or Funeral Arrangements?

- **No.** Generally, donation does not delay funeral or memorial services.
- Donation does not prevent an open casket funeral.

▶ Will My Family Be Charged If My Organs Are Donated? Are There Any Costs for Donation?

- **No.** Donation costs nothing to the donor's family or estate. Organ and tissue donation is a gift. The family of a donor does not pay any hospital or physician fees associated with the organ and tissue donation.
- The family is responsible for funeral and burial costs.
- Organ and tissue recovery costs are the responsibility of the organ or tissue recipient.

▶ Does the Family Receive Any Money for Donation?

- **No.** It is illegal to buy or sell human organs or tissue.
- Organ and tissue donation is a gift.
- The family receives **no** payment or reimbursement for donation.

▶ Does My Religion Approve of Donation?

- Most religions approve of organ and tissue donation and consider it a gift, an act of charity. Visit www.organdonor.gov/donation/religious_views.htm.
- If you have any questions, speak to your religious advisor.

▶ What Happens to My Donated Organs and Tissue?

- Patients receive organs and tissues based upon blood type, length of time on the waiting list, severity of illness and other medical criteria.
- Age, race, gender, ethnicity, income, or celebrity status is not considered when determining who receives an organ or tissues.
- Buying and selling organs is against the law!
- Organs, eyes and tissues are given to people who need them the most:
 - a. at the local level,
 - b. the region, and
 - c. all over the country.

▶ Can I Direct a Donation?

- It is permissible to specify an individual to receive a donated organ. If the organ is a suitable match for a person who is waiting for a transplant, he or she can receive the transplant as a gift.
- You cannot specify a donation on the basis of age, gender, race or ethnicity.

► How Can I Become an Organ, Eye and Tissue Donor?

Consider yourself a potential organ and tissue donor. Your medical condition and circumstances of your death will determine what organs and tissues can be donated. Once you make the decision to be a donor, record your decision. There are several ways you can document your decision to give an anatomical gift:

- Register your decision in Missouri's registry online at www.missouriorgandonor.com.
- Enroll in the registry when you obtain or renew an instruction permit or driver's/non-driver's license.
- Complete and mail in a registration form by calling toll-free to 888-497-4564 to obtain a copy of the form.
- Sign the back of your driver/non-driver license with a permanent marker.
- List your decision in a will or living will (please note that if only done in your will, the will may not be found in time for the donation).
- Include your decision in an advance health care directive.
- Sign and carry a donor card or other signed record.
- Provide any communication witnessed by two adults during a terminal illness or injury (one witness must be a disinterested witness).

► Do I Have to Sign a Donor Card or My Driver's License?

No. You do not have to sign a donor card or your driver's license. It is just one way to document or record your decision.

► How Do I Make My Decision Known?

- Record your decision in Missouri's organ and tissue donor registry.
- Tell your family. Your family will be notified of your decision to donate at the time of your death and that your decision to donate is being honored. Inform them early so it will not be a surprise to them at a very difficult time.
- Talk to your faith leader, friends, and physician about your desire to be a donor.
- Sign your driver's license with a permanent marker every time you renew your license. Be sure to have it witnessed.
- Include organ and tissue donation in your advance health care directive, will, and living will.

► What is the Organ and Tissue Donor Registry?

The Organ and Tissue Donor Registry is a statewide voluntary, confidential registry of potential organ and tissue donors that was established by legislation in 2008. It is a first-person consent registry, making your decision final unless revoked in a manner provided by law. Family consent is no longer required.

► What if I Joined the Registry Years Ago?

To achieve first-person consent status, you must enroll in the registry again. You can do this in several ways. Complete the online application form that will automatically update your record. Submit a complete paper registration form to the Department of Health and Human Services and the department will update your record for you. And, lastly, be sure to say “yes” when asked if you want to be in the registry every time you renew or change information on your instruction permit or driver’s/non-driver’s license so that your record will be updated.

► What Happens When I Enroll in Missouri’s Organ and Tissue Donor Registry?

By enrolling in Missouri’s Organ and Tissue Donor Registry, you are giving legal consent for the recovery of your organs, eyes and tissues for the purpose of transplantation, therapy, research and/or education at the time of your death. Registry information is kept strictly confidential and can only be accessed by:

- a. Federally regulated organ procurement organizations, and
- b. Missouri licensed tissue and eye banks.

Such access is limited and for the sole purpose of identifying potential organ and tissue donors at or near the time of death. The Department of Health and Senior Services employees or their representative has access to the registry when required for the performance of their official duties as it relates to the registry and the donation process.

► Do I Need to Have Special Language in an Advanced Directive or Living Will?

Yes, if you plan to be a vital organ and tissue donor, the document must specify that intensive care interventions are only authorized for the purpose of organ and tissue donation.

► Is There Any Age Restriction on Joining the Registry?

Yes. If you are not an emancipated minor, you must be 16 years of age or older to register directly through the local driver’s license office, online, or by using a paper enrollment form. If you are 16 or 17 years of age, you are required to provide parent/guardian contact information. However, if you are under the age of 16 and not emancipated, please discuss the issue of organ and tissue donation with your parents/legal guardians. They may complete a registration form for you.

► How Can I Refuse to Make an Anatomical Gift and Bar Others From Doing So On My Behalf?

If you want to refuse to make an anatomical gift and bar others from doing so on your behalf, you will need to execute a refusal by completing one of the steps below. Be sure to provide copies of your documentation to family, friends, or

others who may be making end-of-life decisions for you.

- A refusal in your will (although if only done in your will, the refusal may be found too late to prevent donation).
- If you are physically unable to sign a refusal in a record or writing, have that writing signed by another person at your direction. This should be witnessed by at least two adults – one of whom must be a disinterested party – who also sign the document at your request and attest to your decision.
- A communication made by you in any form during your terminal illness or injury, addressed to at least two adults, one of whom is a disinterested witness.

▶ **What Will the Symbol on My License Look Like?**

The symbol is a red heart with a green ribbon going through it with the word “donor” above the heart. It will be on the front of your driver’s/non-driver’s license.



▶ **May I Later Withdraw or Revoke My Consent to be Listed on the Organ and Tissue Donor Registry?**

Yes. You may withdraw or revoke your consent to be listed on the registry. This action does not mean a refusal to make an anatomical gift. Your agent, next of kin, guardian, or other public official could still act on your behalf and make the gift. Other authorized persons may make such a gift for you despite your revocation unless you take steps to prevent them from doing so and execute a refusal.

▶ **What Happens to My Decision to Make an Anatomical Gift if I Lose my Instruction Permit or Driver’s/Non-Driver’s License?**

Suspension, expiration or loss of your instruction permit or driver’s/non-driver’s license does not invalidate your gift.

▶ **How Can an Attorney Assist Me with An Anatomical Gift or Refusal?**

Attorneys who practice in the areas of estate planning and elder law can help you clarify and implement your wishes concerning anatomical gifts. They can help you reinforce your intent by putting your wishes in your will and durable powers of attorney in addition to registering on the Missouri Organ and Tissue Registry.

If you need help finding a lawyer in an outstate area or the Kansas City area, call The Missouri Bar Lawyer Referral Service at 573/636-3635; in the St. Louis area, call 314/621-6681; and in Greene County, call 417/831-2783.