

 ARIZONA DEPARTMENT OF CORRECTIONS DEPARTMENT ORDER MANUAL	CHAPTER: NUMBER: 900 INMATE PROGRAMS AND SERVICES	OPR: OPS PS SS
	DEPARTMENT ORDER: 922 <i>INMATE DONOR PROGRAM</i>	SUPERSEDES: N/A
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PURPOSE

This Department Order establishes the process for organ donations by inmates and related issues. Inmate participation in organ donation is strictly voluntary and no special consideration or treatment will be provided to an inmate for participation and no repercussions will result from nonparticipation.

RESPONSIBILITY

That the Arizona Department of Corrections, the State of Arizona and/or its employees and contract workers will not be held responsible for any complications or financial responsibilities arising out of or related to organ donations or transplants and/or the donation or transfusion of blood or blood products.

PROCEDURES

922.01 ORGAN DONATION

1.1 Inmates as Recipients of Organ Transplantation

- 1.1.1 The Department will consider organ transplantation as a medical treatment option for inmates if it is determined to be medically necessary.

1.2 Inmate Organ Donor Registration

- 1.2.1 The Department will authorize Arizona State designated Organ Procurement Organizations to make available to inmates organ registry information, registry forms and self addressed envelopes in the library resource centers.
- 1.2.2 Department staff shall not participate in the inmate's decision making process. Should the inmate have questions regarding the organ donation registry or related issues inmates shall be advised to direct their questions in writing directly to the applicable organization.

922.02 ORGAN DONATION DURING LIFE

1.1 Live organ donation by inmates may be permitted with approval of the Department Director only when the recipient is a member of the inmate donor's immediate family and the inmate is the only viable donor.

- 1.1.1 The inmate's immediate family members will be identified by a certified copy of their birth certificate which shall be provided to the assigned FHA.
- 1.1.2 The FHA shall meet with the inmate and then forward a memo through the Warden and Division Director for Offender Operations to the Director requesting approval for the organ donation. Attached to the memo should be the inmate's statement identified in 1.2 of this section, a copy of the immediate family member's birth certificate and a statement from the recipient insurance company or transplant entity confirming the information required by 1.5 of this section.
- 1.1.3 The Department Director has the sole discretion to approve or disapprove the organ donation and will advise the Division Director for Program Services and the Division Director for Offender Operations accordingly.

- 1.2 The inmate shall sign a statement indicating their desire to donate a specific organ to a specific immediate family member and acknowledge that the inmate:
 - 1.2.1 Understands the possible dangers of the organ donation process and procedures,
 - 1.2.2 Is participating of their own free will; and
 - 1.2.3 Understands that the Arizona Department of Corrections, the State of Arizona and/or its employees and contract workers will not to be held responsible for any complications or financial responsibilities arising out of or related to the donation.
- 1.3 The inmate's written statement shall be provided to the Department Director, the Division Director for Program Services, and the Facility Health Administrator (FHA) with an entry of the statement placed in the inmate's medical record.
- 1.4 The organ donation process may only occur within the State of Arizona.
- 1.5 The Department will incur no costs that arise out of or are related to the organ donation process, including custody and transportation costs before, during and after the hospitalization and surgery. Including the period from compatibility testing, through the inmate donor's healthy recovery, and subsequent return of the inmate to their assigned institution.
 - 1.5.1 Organ donation will only be permitted after documents have been received from the appropriate entities (i.e. recipient's insurance company) which ensure the Department will incur no liability or expense of any kind as a result of the organ donation including all costs associated with transporting and security of the inmate at off-site facilities.
 - 1.5.1.1 The Department will provide an estimate of cost calculations upon request.
 - 1.5.1.1.1 All expenses and costs will be calculated by the Institution's Business Office in each case in response to a request.
 - 1.5.1.2 The institution will provide the Transplant Team Coordinator with all security requirements and identify a point of contact for the Transplant Team Coordinator to facilitate the requisite diagnostic testing through post-harvest visits.
- 1.6 The FHA with approval from the Warden will coordinate procedures such as transportation, custody, classification, compatibility determinations, evaluation, hospitalization and furlough status.

922.03 BLOOD OR BLOOD PRODUCTS

- 1.1 Inmates are not authorized to donate blood or blood products.
- 1.2 The Department may grant an exception to this provision on an individual case basis, if it is determined by an approved medical authority that the offender is the sole source of blood for an immediate family member in need.
 - 1.2.1 Immediate family members will be identified by a certified copy of their birth certificate which shall be proved to the assigned FHA.

- 1.2.2 The FHA shall meet with inmate and then forward a memo through the Warden and Division Director to the Director requesting approval for the blood donation. Attached to the memo should be the inmate's statement as required in 1.5 of this section, a copy of the inmate family member's birth certificate and a statement from the recipient insurance company or transplant entity confirming the that blood donation will occur at no costs to the Department, including custody and transportation costs before, during and after the hospitalization and procedure. Including the period from compatibility testing through the inmate donor's healthy recovery, and subsequent return of the inmate to their assigned institution.
- 1.2.3 The Department Director has the sole discretion to approve or disapprove the blood donation and will advise the Division Director for Program Services and the Division Director for Offender Operations accordingly.
- 1.3 The Department will not assume financial responsibility for the cost of this procedure.
- 1.4 Blood donation for autologous blood transfusion for an inmate scheduled for surgery will be permitted if recommended by the attending surgeon, the inmate desires and consents, and the facility has the resources and means to accomplish it.
- 1.5 Inmates who donate will be required to sign a statement provided by the FHA indicating they understand the possible dangers in donating blood and that the decision is made of their own free will.
- 1.6 The Department will assist in any necessary preliminary medical evaluations to the extent of its resources.

922.04 ORGAN DONATION UPON DEATH

- 1.1 Organ donations will be permitted upon the death of an inmate in accordance with the provision of the Arizona Uniform Anatomical Gift Act A.R.S. § 36-841 *et al.*
- 1.2 The Department shall not be involved in the determination of whether or not any person consenting to organ donation, on behalf of the inmate, has authority pursuant to the Arizona Uniform Anatomical Gift Act to consent or deny or participate in the determination as to whether an anatomical gift has been made, amended or revoked.
- 1.3 The Department shall not participate in any aspect of granting consent or the consent process of organ procurement. A.R.S. § 36-848
- 1.4 The Organ Procurement Organization views all persons pending death as prospective organ donors regardless of their medical history and is vested with the authority to make the final determination as to the suitability of donation.

922.05 AUTOPSY AND INVESTIGATIONS

- 1.1 The county medical examiner or alternate medical examiner is advised when an inmate dies and shall investigate the facts and circumstances surrounding the death. A.R.S. § 11-593
- 1.2 This does not apply to a death that occurs during, in association with or as a result of surgical or anesthetic procedures from natural diseases. A.R.S. § 11-593 (B)

- 1.3 Department personnel shall fully advise the medical examiner regarding known events surrounding the inmate's death and shall not interfere with the medical examiner's determination regarding the appropriateness of organ removal.
- 1.4 Department personnel shall not proffer an opinion regarding whether removal may or may not occur.
- 1.5 When an autopsy is anticipated or required by statute, the applicable medical examiner shall have the sole authority to determine if organ donation is feasible.
- 1.6 The medical examiner will make an initial determination if the removal of organs would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the medical examiner shall consult with the organ procurement organization. A.R.S. § 11-594 (B)(6)
- 1.7 The medical examiner or alternate medical examiner shall give this authorization within a time period that permits a medically viable donation. A.R.S. § 11-594 (B)(4)
- 1.8 The county medical examiner or alternate medical examiner may authorize the taking of organs and tissues as they prove to be usable for transplants, other treatment, therapy, education or research if all of the requirements of the Revised Arizona Anatomical Gift Act (A.R.S. § 36-841) are met. A.R.S. § 11-594(B)(4)
- 1.9 The medical examiner may limit the removal of organs or tissues. A.R.S. § 11-594 (6)(4)
- 1.10 The Department will determine if applicable medical examiner has:
 - 1.10.1 Determined that organ removal will not interfere with the medical examination, autopsy or certification of death,
 - 1.10.2 Authorized organ removal, and
 - 1.10.3 Determined if organ removal is authorized with or without restrictions.
- 1.11 The existence of a pending administrative or criminal investigation arising out of the inmate's injuries and subsequent death shall not preclude organ procurement unless the applicable medical examiner determines organ donation is not possible as required by statute.
- 1.12 The Department will not assume financial responsibility for the cost of the organ donation or transplant process.

922.06 INMATE DEATH PURSUANT TO A WARRANT OF EXECUTION

- 1.1 The organs of inmates who die as a result of the Department carrying out of a Warrant of Execution are not eligible for donation for organs transplant purposes.
- 1.2 The appropriate medical examiner's office shall take possession of the body upon completion of an execution as required by statute. A.R.S. § 11-593
- 1.3 The body or portions thereof, if not claimed by relatives or friends within twenty-four hours after death, may be submitted by the appropriate medical examiner for scientific purposes by the Department Director, with consent of the Governor, upon instruction by the Department as provided in A.R.S. § 36-804. A.R.S. § 36-805

922.07 IMMUNITY FROM LIABILITY - A person is not subject to civil liability, criminal prosecution or administrative proceedings for good faith acts or omissions related to procurement of parts in compliance with this article. All acts and omissions are presumed to be in good faith unless the acts or omissions are done with intent to maliciously cause injury. A.R.S. § 36-856.A

IMPLEMENTATION

Within 90 days of the effective date of this Department Order:

- The Division Director for Offender Operations shall ensure Wardens develop and implement Institutional Orders and Post Order addressing the security and transportation issues.
- The Division Director for Program Services shall develop and implement a Technical Manual to comply with the requirements outlined in this Department Order.
- The Division Director for Program Services and the Division Director for Support Services shall develop and implement a process for the distribution of inmate donor registration and autologous blood collection for an inmate scheduled for surgery.

DEFINITIONS

ANATOMICAL GIFT - A donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education. A.R.S. § 36-841(3)

BODY PART - Part means an organ, eye or tissue of a human being. Part does not include the whole body. A.R.S. § 36-841(18)

DONOR - An individual whose body or part is the subject of an anatomical gift. A.R.S. § 36-841(7)

DONOR REGISTRY - A database that contains records of anatomical gifts. A.R.S. § 36-841(8)

HOSPITAL - A facility that is licensed as a hospital under the laws of any state or that is operated as a hospital by the United States, a state or a subdivision of a state. A.R.S. § 36-841(12)

IMMEDIATE FAMILY - For the purpose of this Department Order immediate family includes parents, siblings, and children.

MINOR - For the purpose of this Department Order minor is an individual who is under eighteen years of age. A.R.S. § 36-841(15)

ORGAN PROCUREMENT ORGANIZATION - A person designated by the secretary of the United States department of health and human services as an organ procurement organization. A.R.S. § 36-841(16)

PROCUREMENT ORGANIZATION - An organ procurement organization, tissue bank, an eye bank or storage facility that is licensed, accredited or approved under federal law or the laws of any state to engage in the recovery, screening, testing, processing, storage or distribution of human bodies or parts. A.R.S. § 36-841(23)

PROSPECTIVE DONOR - An individual who is dead or near death and who has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. Prospective donor does not include an individual who has made a refusal. A.R.S. § 36-841(23)

RECORD - For the purpose of this Department Order, record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. A.R.S. § 36-841

TISSUE - Means all or a portion of the human body other than blood, an organ or an eye unless the blood, organ or eye is donated for the purpose of research or education. A.R.S. § 36-841

TISSUE BANK - Means a person that is licensed or regulated under federal or state law or is accredited as a tissue bank by a nationally recognized accrediting agency to engage in the recovery, screening, testing, processing, storage or distribution of tissue. A.R.S. § 36-841

TRANSPLANT HOSPITAL - A hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients. A.R.S. § 36-841

TRANSPLANT TEAM COORDINATOR - An employee of the organ procurement organization, tissue bank, an eye bank or storage facility that is licensed, accredited or approved under federal law or the laws of any state to engage in the recovery, screening, testing, processing, storage or distribution of human bodies or parts. A.R.S. § 36-841(23)

{Original Signature on File}

DORA SCHIRO
DIRECTOR

AUTHORITY

A.R.S. § 11-593, Reporting of certain deaths; failure to report; classification

A.R.S. § 11-594 (B)(6)(4), Powers and duties of county medical examiner

A.R.S. § 36-804, Notice of bodies for burial at public expense; delivery

A.R.S. § 36-805, Disposal of body of person executed at state prison

A.R.S. § 36-841 *et al.*, Definitions

A.R.S. § 36-848, Who may make anatomical gift of decedent's body or part

A.R.S. § 36-856.A, Immunity