



**NATCO, THE ORGANIZATION FOR TRANSPLANT PROFESSIONALS  
POSITION STATEMENT**

**RECOVERY OF ORGANS AND TISSUES FROM DONORS FALLING UNDER THE JURISDICTION OF  
A MEDICAL EXAMINER, CORONER, OR JUSTICE OF THE PEACE**

***Statement of the Problem:***

An ever-increasing number of patients are added to the waiting list for organ transplants each year. To date, the demand for organs has greatly exceeded the supply, and an estimated 2,000 patients die each year while waiting to receive an organ. The crisis in organ donation persists even though the public, health care community, and government are all strongly supportive of organ donation and transplantation. The organ donor pool is limited, with most studies estimating that there are only 10,000 to 14,000 potential organ donors each year. Given this limited pool, and the life saving nature of organ transplantation, NATCO's position is that we must optimize the gift and recover all medically appropriate organs when a family or appropriate guardian has given consent for such donation.

Approximately half of all deaths that are potential organ and tissue donor cases fall under the jurisdiction of the local medical examiner, coroner or justice of the peace (ME/C/JP). Cases under the authority of a ME/C/JP office require permission from the ME/C/JP prior to the recovery of any donated organs or tissues. The willingness of the ME/C/JP to give consent for donation varies by state and/or jurisdiction. Variations are often unrelated to laws or statutes, but left to the subjectivity of the office. When a ME/C/JP refuses to allow donation, a valuable life-giving resource is lost forever.

***Policy:***

NATCO acknowledges the public interest and potential evidentiary value of autopsies in determining the cause of death. NATCO believes that the recovery of organs is never in conflict with the ME/C/JP's ability to perform his or her role in determining the cause and manner of death and that invaluable anatomical gifts can and should be released in a timely manner in order for successful organ recovery to occur.

***Legislation:*** The North American Transplant Coordinators Organization supports development, passage, and enactment of legislation that ensures that: (1) organ and tissue donation occurs in all cases under the jurisdiction of ME/C/JP whenever family consent for donation is present and (2) appropriate steps are taken to ensure that the ME/C/JP obtains any requested tissue samples and/or information about the donor prior to, during, and/or after organ and tissue recovery and is given the opportunity to participate in the organ recovery process in order to obtain any further needed information.

***Family Consent:*** Both federal and state required request laws require that families of all potential organ donors be asked to donate. Family consent for donation should be pursued to the extent allowed and directed by laws in order that organs might be

recovered. In most states, by law, the ME/C/JP may deny the organ and tissue recovery, but he or she may not instruct others (hospital and/or OPO staff) not to make the request of families. NATCO believes that family consent to donate is given consideration by most ME/C/JPs when reviewing cases, and, therefore, such approaches are important. Even in the case where a ME/C/JP states that he or she will deny the organs even if family consent is obtained, consent should be requested as required by law. These decisions are often reversed if family consent is obtained.

*Cooperation:* NATCO believes that a ME/C/JP should permit a physician or any other qualified personnel to remove any and all anatomical gifts prior to autopsy, which lie outside the scope of injured regions of the decedent's death. Further, NATCO endorses collaboration between medical, legal and OPO staff during the donation process.

*Organ:* NATCO encourages its members to cooperate with ME/C/JPs in assisting them in their medical legal investigation of the death to the greatest extent possible while ensuring that the timely recovery of life saving organs occurs in 100% of medically suitable potential organ donors in which the family consent for donation has been obtained. NATCO believes that a ME/C/JP should never be able to deny the recovery of life saving organs from a consented potential organ donor as long as the appropriate information has been provided to the ME/C/JP along with an opportunity to view the organ(s) recovered during the actual operative procedure to recover those organs.

*Tissue:* NATCO believes that tissue is an invaluable community resource in restoring health and quality of life to thousands of people. NATCO encourages its members to cooperate with ME/C/JPs in assisting them in their medical legal investigation of the death to the greatest extent possible to maximize the recovery of tissue from cases falling under the jurisdiction of the ME/C/JP. Given that the pool of potential tissue donors is much larger than the pool of potential organ donors, there may be limited circumstances under which some tissues may not be recovered due to ME/C/JP limitations on recovery. NATCO believes that due to community health considerations, these circumstances and limitations should be extremely restricted.

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