

# Organ Procurement

## 1151.1 PURPOSE AND SCOPE

Health and Safety Code 7151.15 mandates the Coroner to cooperate with procurement organizations in order to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. This policy shall apply to all deaths where an organ procurement organization (OPO) is pursuing organ procurement. One Legacy is a federally designated OPO; One Legacy is presently assigned by Donate Life California as the OPO for the region that includes Orange County. Notwithstanding One Legacy's designation as the OPO for Orange County, the Coroner recognizes that other OPOs may be selected by decedents before their death or by other authorized persons for organ procurement. The Coroner will cooperate with any federally designated OPO.

## 1151.2 FIRST CALL

Due to the inherent time sensitivity of the organ donation process, an OPO representative may report an expected death to the Coroner prior to the legal pronouncement. Deputy Coroners receiving this report shall assist in evaluating the case for Coroner jurisdiction and potential autopsy.

## 1151.3 REQUIREMENTS FOR CORONER ALLOWING ORGAN PROCUREMENT

Pursuant to Government Code 27491.45(b), the Coroner may allow organ procurement only when the following criteria are met:

- (a) The provision of the part(s) will not unnecessarily mutilate the body or interfere with the autopsy
- (b) The decedent or other authorized person, as specified in Section 7151 of the Health and Safety Code, has consented to the provision of the part(s)
- (c) The Coroner may consent to procurement in the absence of consent from the decedent/authorized person(s) only after the Coroner has made a reasonable effort to locate and inform authorized person(s) of their option to consent or object to the organ procurement but has been unable to locate any authorized person(s).
  - 1. A reasonable effort to locate authorized person(s) shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code.
  - 2. The 12 hours described above applies to the minimum time that must be spent trying to locate an authorized person who may consent to the organ procurement in the

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absence of a pre-mortem consent by the decedent. If the Coroner actually knows the location of an authorized person listed in subdivision (a) of Section 7151 of the Health and Safety Code, the Coroner cannot consent to organ procurement.

#### **1151.4 AUTOPSY CASES**

Any death reported to the Coroner which, at the completion of the investigation, is determined to require autopsy examination shall be evaluated by the Coroner Watch Commander and/or Forensic Pathologist prior to giving OPO access to the body for procurement. If either the Coroner Watch Commander or Forensic Pathologist determine that organ procurement will not interfere with the subsequent course of an investigation or autopsy, the Watch Commander may authorize an OPO to procure specified organs as identified by the Watch Commander. The autopsy shall be performed following the removal of the organs.

#### **1151.5 DEATHS WHERE CRIMINAL INVESTIGATION IS ANTICIPATED**

The assigned Deputy Coroner shall contact the investigating law enforcement agency when an OPO requests procurement on any death where criminal investigation is anticipated. Deputy Coroners shall inform the agency of the OPO's intent to procure organs, determine whether the law enforcement agency has any objection(s) to the Coroner giving authorization for procurement, and relay said objection(s) to the Coroner Watch Commander for consideration.

#### **1151.6 DENYING REQUESTS FOR ORGAN PROCUREMENT**

If, based on the preliminary investigative findings of any case, the Coroner Watch Commander and/or Forensic Pathologist determine that organ procurement may interfere with the determination of cause or manner of death, the case shall be elevated to the Manager of Investigations to discuss with the management team. Denial of requests for organ procurement may be made only by the Sheriff-Coroner or his/her designee.

#### **1151.7 BODY EXAMINATIONS**

Deputy Coroners shall not conduct a field response or body examination on any patient where death has not been legally pronounced. Field responses and body examinations on patients whom are legally deceased shall be made in accordance with policy 1104 – Field Responses of this manual.