DONATION AFTER CIRCULATORY DEATH: Honoring First Person Authorization

Part 2: The Ethics

What is Donation after Circulatory Death (DCD)?

In 20-30% of donation potentials, patients may have a neurological injury or other devastating illness with no meaningful chance of survival off of the ventilator, and they do not deteriorate to cessation of all neurological function while on mechanical support. Families or other legally designated surrogate decision-makers may choose to terminate life-sustaining measures and if appropriate respiratory parameters are met, the patient has the potential to become an organ donor after their circulation has ceased.

Ethical Considerations

In the field of organ donation, there is an ethical norm called the ‘dead donor rule’ that has been adhered to diligently. The dead donor rule has two parts and states the following:

Dead Donor Rule

Organ retrieval itself cannot cause death.

Patients must be declared dead before the removal of any vital organs for transplantation.

Clarification of Terminology

‘First Person Authorization’, ‘donor designation’, or a ‘registered donor’, are all interchangeable terms. They describe an individual who legally determined and expressed their donation wish, which according to gift law takes effect upon the patient’s death, and thus becomes a legally binding decision. (For clarification on the legalities, refer to Spotlight issue: Honoring First Person Authorization)

REFERENCES


For for references & resources; or to learn more about Continuous Distribution Systems, please visit: www.organdonationalliance.org/insight/alliance-spotlight-series/

There are other ethical questions worth considering, including the following:

1) Can the individual’s decision to donate be overridden because the family has decided against organ preservation interventions or wants support to be withdrawn quickly prior to organ evaluation? How do we balance the family’s surrogate decision-making rights against the deceased’s donation wishes? Would it be unethical not to honor the patient’s wishes when they are no longer able to speak for themselves?
2) If one feels that the family or other surrogate-decision-makers should be able to overrule an individual’s donor designation, would the reverse situation also stand? i.e. should a family be able to overrule an individual’s legal designation not to be a donor and authorize donation?

For a more detailed insight, view webinar by Alexandra Glazier, JD, MPH and Brendan Parent, JD, “ABC’s of DCD: The Legal Aspects of Pursuing an Authorized Donor in DCD Cases”