

What Lawyers Should Know About Organ and Tissue Donation in South Carolina*

If you wish to be an organ and tissue donor, all you have to do is say yes to organ and tissue donation on your donor card and/or driver's license and **discuss your decision with your family**.

Nationally, about **63** people receive an organ transplant every day, but another **15** people on the waiting list die because not enough organs are available. **In South Carolina alone**, 77 people died in the past two years waiting for organs, and 709 people in South Carolina are currently on waiting lists for organ and tissue transplants.

The problem is that people who sign donation cards will not be treated as donors (even though that is all that is legally required) unless their families consent. So, **please advise your clients that if they want to be organ donors they have to tell their family members**.

Who can become a donor? All individuals can indicate their intent to donate (persons under 18 years of age must have parent's or guardian's consent). Medical suitability for donation is determined at the time of death. One individual organ donor can save or improve the quality of life for more than 50 people who suffer from organ failure, congenital defects, bone cancer, orthopedic injuries, burns or blindness.

Are there age limits for donors? There are no age limitations on who can donate. The deciding factor on whether a person can donate is the person's physical condition, not the person's age. Newborns as well as senior citizens have been organ donors. Persons under 18 years of age must have parent's or guardian's consent.

How do I express my wishes to become an organ and tissue donor?

1. Indicate your intent to be an organ and tissue donor on your driver's license.
2. Carry an organ donor card.
3. Most important, **DISCUSS YOUR DECISION WITH FAMILY MEMBERS AND LOVED ONES**.

If I sign a donor card or indicate my donation preferences on my driver's license, will my wishes be carried out?

Even if you sign a donor card it is **ESSENTIAL THAT YOUR FAMILY KNOWS** your wishes. Your family may be asked to sign a consent form in order for your donation to occur.

If you wish to learn how organ donation preferences are documented and honored where you live, contact your local organ procurement organization (OPO). The OPO can advise you of specific local procedures, such as joining donor registries, that are available to residents in your area..

What can be donated?

- Organs: heart, kidneys, pancreas, lungs, liver, and intestines
- Tissue: cornea, skin, bone marrow, heart valves, and connective tissue

* Mr. Wolk, a lawyer in Washington, DC, graduated cum laude from American University Law School, holds a Masters Degree from Harvard University, and is a Phi Beta Kappa graduate of Trinity College (CT). He is working on a lawyer education outreach project for the U.S. Division of Transplantation. This article has been adapted and posted on the websites of numerous Bar Associations.

- Bone marrow

If I sign a donor card, will it affect the quality of medical care I receive at the hospital?

No! Every effort is made to save your life before donation is considered.

Will donation disfigure my body? Can there be an open casket funeral?

Donation does not disfigure the body and does not interfere with having a funeral, including open casket services.

Why should minorities be particularly concerned about organ donation?

Some diseases of the kidney, heart, lung, pancreas and liver are found more frequently in racial and ethnic minority populations than in the general population. Successful transplantation often is enhanced by the matching of organs between members of the same ethnic and racial group.

Are there any costs to my family for donation?

The donor's family does NOT pay for the cost of the organ donation. All costs related to donation of organs and tissues are paid by the recipient, usually through insurance, Medicare or Medicaid.

Can I sell my organs?

No! The National Organ Transplant Act (Public Law 98-507) makes it **ILLEGAL** to sell human organs and tissues. Violators are subject to fines and imprisonment. Among the reasons for this rule is the concern of Congress that buying and selling of organs might lead to inequitable access to donor organs with the wealthy having an unfair advantage.

How are organs distributed?

Patients are matched to organs based on a number of factors including blood and tissue typing, medical urgency, time on the waiting list, and geographical location.

How many people are currently waiting for each organ to become available so they can have a transplant?

Click here for the most current data -> [United Network for Organ Sharing](#).

Can I be an organ and tissue donor and also donate my body to medical science?

Total body donation is an option, but not if you choose to be an organ and tissue donor. If you wish to donate your entire body, you should directly contact the facility of your choice to make arrangements. Medical schools, research facilities and other agencies need to study bodies to gain greater understanding of disease mechanisms in humans. This research is vital to saving and improving lives.

Where can I get additional information about organ and tissue donation?

Statistics and additional information about organ and tissue donation is available at: [United Network for Organ Sharing www.unos.org](#) and at the [Division of Transplantation, U.S. Department of Health and Human Services website: www.organdonor.gov](#).

Information on minorities and organ donation and transplantation is available at the website of the [Minority Organ Tissue Transplantation Education Program: www.nationalmottep.org](#).

Information about the [Uniform Health- Care Decisions Act \(UHCDA\)](#) (approved by the Uniform Law Commissioners in 1993) is available at [www.nccusl.org](#).

Information about the American Bar Association's efforts with regard to organ donation, the Third National Health Care Decisions Week (October 20-26, 2002), and the ABA pamphlet entitled "A Legacy for Life" may be found at: <http://www.abanet.org/rppt>; "A Legacy for Life;" and RPPT | National Health Care Decisions Week Home Page

Information about local Organ Procurement Organizations and local activities and facts about organ donation may be found at: Organ Procurement Organizations (Organ procurement organizations coordinate activities relating to organ procurement in a designated service area. They evaluate potential donors, discuss donation with family members, and arrange for the surgical removal of donated organs. OPOs also are responsible for preserving organs and arranging for their distribution according to national organ sharing policies. There are currently 59 organ procurement organizations throughout the U.S.), and, the Association of Organ Procurement Organizations (The Association of Organ Procurement Organizations (AOPO) is a private, nonprofit organization recognized as a national representative of organ procurement organizations.)

For Local Information: South Carolina Organ Procurement Organizations

Carolina Donor Services
(Eastern, Central South Carolina)
3622 Lyckan Parkway, Suite 6002
Durham, NC 27707
Phone: (252) 757-0090 / (800) 200-2672
Web: www.carolinadonorservices.org

LifeShare of the Carolinas
(Western South Carolina)
P.O. Box 32861
Charlotte, NC 28262
Phone: (704) 548-6850
Web: www.lifesharecarolinas.org

LifeNet
(Currituck County)
5809 Ward Court
Virginia Beach, VA 23455
Phone: (757) 464-4761
Web: www.lifenet.org
