



## Scott Duff & Co Solicitors

### What is donation?

Donation is giving an organ or tissue to help someone who needs a transplant.

Transplants can save or greatly enhance the lives of other people.

### Types of donation

There are three different circumstances which can enable a donation to be made:

- Brain stem death - This is where a person no longer has activity in their brain stem due to a severe brain injury. They have permanently lost the potential for consciousness and/or ability to breathe. It may happen even when a ventilator is keeping the person's heart beating and oxygen is circulated through their blood.
- Circulatory death - Is the loss of function of the heart and lungs after a cardiac arrest from which the patient cannot or should not be resuscitated. It can also be the planned withdrawal of life-sustaining treatment from a patient within the Intensive Care Unit or the Emergency Department.
- Living donation - Whilst you are still alive you can choose to donate a kidney, a small section of your liver, discarded bone from a hip/knee replacement and also your amniotic membrane (placenta).

### Who can donate?

Organ donation in England has moved to an 'opt out' system for everyone over the age of 18. This means

# Organ & Tissue Donation

that all adults in England will be considered to have agreed to be an organ donor when they die unless they have recorded a decision not to donate or are in one of the excluded groups.

Your family will still be approached and your faith, beliefs and culture will continue to be respected. You still have a choice about whether or not you wish to become a donor.

You can:

- Record your organ donation decision on the NHS Organ Donor Register
- Tell your family and friends what you have decided

For more information please visit  
<https://www.organdonation.nhs.uk/>

It is important to be aware even registration on the NHS organ donation register as a donor does not necessarily mean that your organs or tissue will be donated. Following your death, your closest family member must consent to the donation.

### Warn/Inform

If organ and/or tissue donation is a matter which you feel strongly about then we would advise you to ensure that your nearest family members are aware of your wishes and inform them that they will be contacted by a specialist nurse soon after your death (should such a donation be required). The nurse will ask questions about your medical history and lifestyle to assess your suitability to donate and to ensure that the person receiving the organ or tissue is protected. Making sure your loved one is aware of your wishes and that they may be contacted by a specialist nurse will help to prepare them for such questions at what will be a very difficult time.

### Medical conditions

Having a medical condition does not always prevent you from becoming an organ or tissue donor. At death, a doctor responsible for your care will decide whether some or all organs or tissue are suitable for transplant.

There are a few conditions that will exclude you from donating organs and tissue.

You cannot become an organ/tissue donor if you have:

- HIV, (in some circumstances people with HIV can donate to another person who already has HIV), or
- Creutzfeldt-Jakob Disease (CJD), or
- Cancer that has spread in the last 12 months

#### **Offices at:**

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[www.scottduff.co.uk](http://www.scottduff.co.uk)

#### **What can be donated?**

##### **Organs:**

- Kidneys
- Heart
- Liver
- Lungs
- Pancreas
- Small bowel

##### **Tissues:**

- Cornea (which can be donated currently up to 96 years old)
- Heart valves (which can be donated up to 65 years old)
- Tendons (which can be donated up to 45 years old)
- Bone (no age restriction on donation); and
- Skin (no age restriction on donation).

#### **How long after death does organ and tissue donation occur?**

Generally donation is within 24 hours of death but, sometimes it is possible to donate 48 hours after death.

#### **What about funeral arrangements?**

Donation of organs and/or tissue will not delay funeral arrangements.