

**CHAPTER: 900**  
**Inmate Programs and Services**

**DEPARTMENT ORDER:**  
**922 – Inmate Donor Program**

**OFFICE OF PRIMARY**  
**RESPONSIBILITY:**

**OPS**  
**MS**  
**FS**

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# Arizona Department of Corrections Rehabilitation and Reentry



**Department Order Manual**

 FOR  
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David Shinn, Director

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## **PURPOSE**

This Department Order establishes the process for organ donations and related issues. Inmate participation in organ donation is strictly voluntary and no special consideration or treatment will be provided to an inmate for participation and no repercussions will result from nonparticipation.

## **RESPONSIBILITY**

The Arizona Department of Corrections, Rehabilitation and Reentry, the State of Arizona and/or its employees and contract workers will not be held responsible for any complications or financial responsibilities arising out of or related to organ donations or transplants and/or the donation or transfusion of blood or blood products.

## **PROCEDURES**

**1.0 RECIPIENTS OF ORGAN TRANSPLANTATION** – The Department will consider inmates as recipients for voluntary organ or tissue donations.

- 1.1 An inmate deemed to be in medical need of an organ transplant will be provided with all necessary examinations and diagnostic testing for placement on a transplant waiting list. The cost of such diagnostic testing will be the responsibility of the contracted healthcare vendor.
- 1.2 Charges incurred during the actual donation process are the sole responsibility of the donor, donor recipient, and organization financially responsible for the donation (including lab work, shipping and all hospital charges, inmate transportation, and operational security cost).

### **2.0 ORGAN DONATION DURING LIFE**

- 2.1 Live organ donation by inmates may be permitted with approval of the Director only when the recipient is a member of the inmate donor's immediate family and the inmate is the only viable donor. The organ donation process may only occur within the State of Arizona.
  - 2.1.1 The inmate's immediate family member will be identified by a certified copy of his/her birth certificate which shall be provided to the assigned Contract Facility Health Administrator.
  - 2.1.2 The Contract Facility Health Administrator shall meet with the inmate and then forward a memo through the Warden and Assistant Director for Prison Operations to the Director requesting approval for the organ donation. Attached to the memo should be the inmate's statement identified in 2.2 of this section, a copy of the immediate family member's birth certificate and a statement from the recipient insurance company or transplant entity confirming the information required by 2.5 of this section.
  - 2.1.3 The Director has the sole discretion to approve or disapprove the organ donation and will advise the Assistant Director for Medical Services and the Assistant Director for Prison Operations accordingly.
- 2.2 The inmate shall sign a statement indicating his/her desire to donate a specific organ to a specific immediate family member and acknowledge that he/she:

- 2.2.1 Understands the possible dangers of the organ donation process and procedures,
  - 2.2.2 Is participating of his/her own free will; and
  - 2.2.3 Understands the Arizona Department of Corrections, Rehabilitation and Reentry, the State of Arizona and/or its employees and contract workers will not to be held responsible for any complications or financial responsibilities arising out of or related to the donation.
- 2.3 The inmate's written statement shall be provided to the Director, the Assistant Director for Medical Services, and the Contract Facility Health Administrator with an entry of the statement placed in the inmate's medical record.
- 2.4 The Department will incur no liability or costs that arise out of or are related to the organ donation process, including custody and transportation costs before, during and after the hospitalization and surgery.
- 2.4.1 Organ donation will only be permitted after documents have been received from the appropriate entities (i.e., recipient's insurance company), which identifies the Department's requirements outlined in section 2.4 above.
    - 2.4.1.1 The Department will provide an estimate of cost calculations upon request. All expenses and costs will be calculated by the institution's Business Office.
    - 2.4.1.2 The institution will provide the Transplant Team Coordinator with all security requirements and identify a point of contact for the Transplant Team Coordinator to facilitate the requisite diagnostic testing through post-harvest visits.
- 2.5 The Contract Facility Health Administrator with approval from the Warden will coordinate procedures such as transportation, custody, classification, compatibility determinations, evaluation, and hospitalization.

### **3.0 BLOOD OR BLOOD PRODUCTS**

- 3.1 Inmates are not authorized to donate blood or blood products.
- 3.2 The Department may grant an exception to this provision on an individual case basis, if it is determined by an approved medical authority that the inmate is the sole source of blood for an immediate family member in need.
- 3.2.1 The inmate's immediate family member will be identified by a certified copy of his/her birth certificate which shall be provided to the assigned Contract Facility Health Administrator.
  - 3.2.2 The Contract Facility Health Administrator shall meet with the inmate, and:
    - 3.2.2.1 Ensure that he or she signs a statement indicating they understand the possible dangers in donating blood and that the decision is made of his/her own free will.

3.2.2.2 Forward a memo through the Warden and Assistant Director for Prison Operations to the Director requesting approval for the blood donation. Attached to the memo should be the inmate's statement as required in section 3.2.2.1 and:

3.2.2.2.1 A copy of the inmate family member's birth certificate.

3.2.2.2.2 A statement from the recipient insurance company or transplant entity confirming the blood donation will occur at no costs to the Department.

3.2.2.2.3 Custody and transportation costs before, during and after the hospitalization and procedure; including the period from compatibility testing through the inmate donor's healthy recovery and subsequent return of the inmate to his/her assigned institution.

3.2.2.2.3.1 The Department will provide an estimate of cost calculations upon request. All expenses and costs will be calculated by the institution's Business Office.

3.2.3 The Director has the sole discretion to approve or disapprove the blood donation and will advise the Assistant Director for Medical Services and the Assistant Director for Prison Operations accordingly.

3.2.3.1 The Department will assist in any necessary preliminary medical evaluations to the extent of its resources.

3.3 Blood donation for autologous blood transfusion for an inmate scheduled for surgery will be permitted if recommended by the attending surgeon, the inmate desires and consents, and the facility has the resources and means to accomplish it.

#### **4.0 ORGAN DONATION UPON DEATH**

4.1 Organ donations will be permitted upon the death of an inmate in accordance with the provision of the Arizona Uniform Anatomical Gift Act Arizona Revised Statute (A.R.S.) §36-841 et al.

4.2 The Department shall not be involved in the determination of whether or not any person consenting to organ donation, on behalf of the inmate, has authority pursuant to the Arizona Uniform Anatomical Gift Act to consent or deny or participate in the determination as to whether an anatomical gift has been made, amended or revoked.

4.3 The Department shall not participate in any aspect of granting consent or the consent process of organ procurement. A.R.S. §36-848

4.4 The Organ Procurement Organization views all persons pending death as prospective organ donors regardless of their medical history and is vested with the authority to make the final determination as to the suitability of donation.

## **5.0 AUTOPSY AND INVESTIGATIONS**

- 5.1 The County Medical Examiner or alternate Medical Examiner (Medical Examiner) is advised when an inmate dies and shall investigate the facts and circumstances surrounding the death. A.R.S. § 11-593
- 5.2 This does not apply to a death that occurs during, in association with or as a result of surgical or anesthetic procedures from natural diseases. A.R.S. § 11-593 (B)
- 5.3 Department personnel shall fully advise the Medical Examiner regarding known events surrounding the inmate's death and shall not interfere with the Medical Examiner's determination regarding the appropriateness of organ removal.
- 5.4 Department personnel shall not offer an opinion regarding whether removal may or may not occur.
- 5.5 When an autopsy is anticipated or required by statute, the Medical Examiner shall have the sole authority to determine if organ donation is feasible.
- 5.6 The Medical Examiner will make an initial determination if the removal of organs would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the Medical Examiner shall consult with the organ procurement organization. A.R.S. § 11-594 (B)(6)
- 5.7 The Medical Examiner shall give this authorization within a time period that permits a medically viable donation. A.R.S. § 11-594 (B)(4)
- 5.8 The Medical Examiner may authorize the taking of organs and tissues as they prove to be usable for transplants, other treatment, therapy, education or research if all of the requirements of the Revised Arizona Anatomical Gift Act (A.R.S. § 36-841) are met. A.R.S. § 11-594(B)(4)
- 5.9 The Medical Examiner may limit the removal of organs or tissues. A.R.S. § 11-594 (6)(4)
- 5.10 The Department will verify if the Medical Examiner has:
  - 5.10.1 Determined that organ removal will not interfere with the medical examination, autopsy or certification of death.
  - 5.10.2 Authorized organ removal.
  - 5.10.3 Determined if organ removal is authorized with or without restrictions.
- 5.11 The existence of a pending administrative or criminal investigation arising out of the inmate's injuries and subsequent death shall not preclude organ procurement, unless the Medical Examiner determines organ donation is not possible as outlined in section 5.8 above.
- 5.12 The Department will not assume financial responsibility for the cost of the organ donation or transplant process.

## **6.0 INMATE DEATH PURSUANT TO A WARRANT OF EXECUTION**

- 6.1 Inmates who die as a result of the Department carrying out a Warrant of Execution are not eligible for organ donation.

- 6.2 The appropriate Medical Examiner’s office shall take possession of the body upon completion of an execution as required by statute. A.R.S. §11-593
- 6.3 With consent of the Governor, the Director may submit the body or portions thereof, if not claimed by relatives or friends within twenty-four hours after death, to the Medical Examiner for scientific purposes in accordance with A.R.S. §36-804 and A.R.S. §36-805.

**7.0 IMMUNITY FROM LIABILITY** - A person is not subject to civil liability, criminal prosecution or administrative proceedings for good faith acts or omissions related to procurement of parts in compliance with this article. All acts and omissions are presumed to be in good faith unless the acts or omissions are done with intent to maliciously cause injury. A.R.S. §36-856.A

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms

## **AUTHORITY**

A.R.S. §11-593, Reporting Of Certain Deaths; Failure to Report; Classification  
A.R.S. §11-594 (B)(6)(4), Powers and Duties Of County Medical Examiner  
A.R.S. §36-804, Notice of Bodies for Burial at Public Expense; Delivery  
A.R.S. §36-805, Disposal of Body of Person Executed At State Prison  
A.R.S. §36-841 Et Al., Definitions  
A.R.S. §36-848, Who May Make Anatomical Gift of Decedent's Body or Part  
A.R.S. §36-856.A, Immunity