



National Funeral Directors Association  
\*Informs \*Educates \*Advocates

## **2011 POLICY**

### **ORGAN DONATION AND TISSUE RECOVERY**

#### **NFDA Position**

The funeral director will respect the family's wishes to donate and NFDA will encourage its members to support the concept of donation. It is recommended that NFDA continue to nurture relationships with all relevant groups, organizations, Congress and the Department of Health and Human Services (HHS) to adopt and implement national, state and local policies for: appropriate recovery procedures; appropriate reimbursement; on-site recovery and referrals; proper and ethical marketing and promotion by procurement organizations; and, timely notification and disclosure of relevant information to all parties involved in the consent and procurement process.

#### **Background**

Over the years, funeral directors have strongly supported efforts to encourage individuals to donate healthy and usable organs and tissue at death. To this end, many funeral directors have publicly supported organ and tissue donation efforts sponsored by various groups and organizations. However, several concerns have arisen with regard to how those efforts have been promoted, marketed and implemented including the ethical considerations surrounding the type and nature of certain disclosures and notifications as well as the how, when, where and by whom the organs and tissues are recovered.

In addition, funeral directors have had to spend hours repairing a body for embalming after the vascular system has been severely damaged by an organ or tissue procurement technician. Moreover, the cost of this additional time spent in repairing the body has either been absorbed by the funeral director or passed onto the deceased's family. To compound this problem, HHS has promulgated regulations designed to facilitate and increase organ and tissue donation and to place that initiative with the organ procurement organizations and tissue banks rather than the hospitals.

#### **Discussion**

In order to correct these very serious problems, various state funeral director associations and individual funeral homes have either established technical and reimbursement policies with local or state procurement organizations, tissue banks, hospitals or others or started dialogues with these groups to resolve them. It was clear that these efforts are not enough. NFDA identified this as a national problem. To this end, NFDA initiated discussions with the American Association of Tissue Banks, the Association of Organ Procurement Organization, the National Kidney Foundation and others. Further, NFDA and AATB appointed a Task Force to work together to develop joint guidelines to insure that funeral directors are totally involved in the donation and

consent process from the beginning and that their concerns will be addressed.

This joint group developed a draft Best Practices for Organ and Tissue Donation document that was subsequently adopted by the NFDA Policy Board, AATB, AOPO, NKF and the federal Department of Health and Human Services. As a result, HHS included significant references to funeral directors in the Organ and Tissue Donation Resources guide and both AATB and AOPO have distributed it to all their members.

While all these efforts have produced some modest changes at the local level in some parts of the country, a lot of funeral directors are still encountering many of the same problems as before. Moreover, these problems are increasing as tissue banks and other procurement organizations become more aggressive in their marketing leading to, among other things, concerns over the use of funeral homes as recovery sites and funeral directors actively involved in the consent and referral process.

Consequently, in 2004, NFDA established a Organ and Tissue Donation Work Group to review the situation and make recommendations to the NFDA leadership. In March 2005, the NFDA Policy Board approved changes to the Organ Donation and Tissue Recovery Public Policy Statement, in accordance with recommendations from the work group. Additionally, in accordance with other work group recommendations, NFDA researched the existing federal regulatory framework, renewed contacts with AATB, AOPO and FDA, and in October 2005 the NFDA Policy Board adopted *Best Practices to Reduce Legal Liability of Funeral Homes Participating in Organ/Tissue/Cadaver Donations*. In response to a proliferation of negative publicity about funeral home involvement in the illegal procurement and sale of tissues in New York, in March 2006 the NFDA Policy Board approved additional changes to the Organ Donation and Tissue Recovery Public Policy Statement, and in July 2006, the Policy Board approved changes to *Best Practices to Reduce Legal Liability of Funeral Homes Participating in Organ/Tissue/Cadaver Donations*. NFDA continues to monitor all issues pertaining to organ and tissue donation and procurement.

**NFDA Governance History:**

1998: Committee Action 1/13/98; Policy Board Action 3/30/98  
1999: Committee Action 1/26/99; Policy Board Action 3/15/99  
2000: Committee Action 2/1/00; Policy Board Action 3/27/00  
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2005: Committee Action 1/18/05; Policy Board Action 3/7/05  
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2008: Committee Action 1/14/08; Policy Board Action 3/10/08  
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Attest: NFDA Policy Board (original resolution)      Date: March 30, 1998      File Code: RES043/Policybd