

UW Organ Procurement Organization(OPO) Coroner/ME/DA Organ Donation Denials

Case #1: (District Attorney approved/ Coroner Denied)

- 25 year old male, admitted to St. Joseph's Hospital in Marshfield, WI. 7/25/04 with multiple gun shot wounds. (R-shoulder, R-temporal and L-groin)
- OPO was notified at 12:49 on 7/25/04 due to severe neurologic injury and family was interested in Organ Donation
- 1446 – OPO was told the Wood County Coroner he would not allow donation due to the case being a potential homicide.
- 1520 – Wood County investigator stated donation could NOT happen because the body would be considered evidence. The OPO staff explained the donation process and offered pictures, operative notes, biopsies and invited the Coroner and/or Investigator to go to the Operating Room with the team
- 1545 – Assistant DA would clear the case as long as the surgeon would provide operative notes.
- 1612 – Wood County investigator would approve. Wood County Coroner would approve if the ME's office would approve.
- 1725 – ME Approved donation
- 2026 – OPO contacted by St. Joseph's nursing staff that Wood County Coroner was not denying donation. The patient was not brain dead at this point so the OPO decided not to call the coroner until the patient progressed to brain death.
- 7/26/04, 10:15 – No change in patient status, St. Joseph's hospital was contacting their attorney and risk management because the family wanted to donate and was being denied.
- 7/27/04, 08:36 – Patient was progressing to brain death. OPO contacted Dane County Coroner for some assistance with Wood County Coroner but he was out of town.
- 11:00 – Patient was declared brain dead and the family consented to donation.
- 15:00 – OPO was notified the family was told by the coroner that they could NOT donate and support was withdrawn and the patient expired.

Case #2: (District Attorney Denied/ ME Denied/ Coroner Denied)

- 39 year old male admitted Theda Clark Medical Center, Neenah, WI. with and open skull fracture, found down in a local parking lot
- OPO was notified 2/1/05 at 00:09 due to severe neurologic injury, patient was also progressing towards brain death and family was arriving from out of town
- Sister was a nurse from Florida and brother was an attorney from Neenah
- 13:00 – Received a call from Theda Clark Intensive Care Unit that the coroner was not going to release the body for donation due to the circumstances of the

impending death. There were no suspects. UW OPO Clinical Manager called the assistant DA to discuss the case and explained how donation can still occur with a forensic investigation. The assistant DA stated it was the ME who would not release the body.

- 13:45 – Received a call back from the the assistant DA that the ME and the DA, said “absolutely no donation and they don’t like autopsies after donation”.
- 16:00 – The Winnebago County Coroner was asked by hospital staff who wanted to understand why donation could not occur. Patient was in the ICU 2 full days without evidence being gathered, no visitor restrictions, etc.
- 17:15 – Winnebago County coroner called the UW OPO clinical manager and said: “Bottom line, he will not release the body for donation...he will not lose his credibility over this...” He stated that if the nurses brought up donation to the family, he would have them arrested.
- 15:00 – 19:00 – OPO called National Leaders to assist with the situation:
 - Michael Bell, MD – President of National Association of Medical Examiners(NAME)
 - Keith Pinckard, MD – HRSA Organ Donation Collaborative Faculty Member
 - Teresa Shaefer – HRSA Organ Donation Collaborative Faculty Co-chair and CEO Life Gift OPO Houston, Texas
- 2/4/05, 09:13 - Patient was declared brain dead. Family was approached regarding organ donation as per CMS guidelines and they consented.
- 15:00 – Family had a conference call with the ME and DA and were told they could not donate. Case was closed by OPO and care was withdrawn and patient expired.

Case #3: (District Attorney Denied/ Coroner Approved)

- 4 month old female
- 3/21/05, 08:22 – OPO was notified, patient was victim of non-accidental trauma, questionable shaken baby syndrome, patient was declared brain dead
- 12:10 – OPO was notified by the hospital that the coroner would not release for organ donation. The OPO coordinator contacted the Marathon County and explained that we have done donation with these cases in the past and that lives could be saved. The coroner indicated he had no idea donation could occur at this age, and thought only tissue could be donated. He would contact the DA and get back to the OPO.
- 13:00 – The coroner called back the OPO and stated the DA would not release for organ donation. The OPO clinical manager called the Marathon County DA. left a message and was called back by the assistant DA and spent time discussing organ donation and the process with him. He had no idea that the heart and liver could be transplanted from donors this young. Explained that there are other infants and children on the waiting list and this donation could save their lives. Also explained the OPO has done these cases before and invited coroners, ME’s

and investigators into the OR to collect the evidence needed to prosecute. The OPO has provided documentation, pictures and biopsies if needed. The assistant DA thought this was doable and was going to contact the DA and call back.

- 13:30 DA denied.

Case#4 (ME and Coroner Denied)

- 19 year old female self inflicted gun shot wound to the head
- Admitted to Luther Hospital Eau Claire, WI. 5/28/05
- Referral to UW Organ Procurement Organization
- Barron County coroner thought lead us to believe donation was possible but was working with the Ramsey County (MN.) ME and relayed some doubts
- Attempts to contact the Ramsey County ME met with resistance by Barron County coroner for fear of jeopardizing his county's relationship with the ME
- Late evening of 5/28/05 Barron County coroner and Ramsey County ME denied donation
- UW OPO executive director contacted the Ramsey County ME office twice at 1 am and again at 1:45 am when calls were not returned (see letter to Ramsey County ME)
- Patient withdrawn from support and expired

Lost- 20 life saving transplants as a result of 4 organ donor denials. As a result potential transplant recipients will either die waiting or get sicker while waiting before they have another chance at receiving a life saving transplant

Donor families suffer not only the loss of their loved one but suffer a second loss when they are denied the option of donation and comfort that comes from knowing that something good came from such a tragic event