

LAW REVIEW

Published in the Sierra Sun
May 8, 2009

By: Jim Porter

ORGAN DONATION AN IMPORTANT CHOICE

One of the greatest gifts each of us can make is to help another person. One way to give—the ultimate gift really—is to be an organ donor. More than 100,000 Americans are in need of an organ transplant. Every week more than 100 people die while waiting for an organ on the national transplant list.

ORGAN DONATIONS

I believe that most of us are conceptually in agreement with organ donations, but somehow “don’t get around to it.” Also, given the circumstances and emotion surrounding a death, a deceased’s desire to be a donor is not always implemented.

ORGAN DONATION REGISTRY

The purpose of this column is to request each and every one of you (and your family members) to sign up to be an organ and tissue donor. There are several different ways you can do that, like online with the Donate Life California Registry at www.donateLIFEcalifornia.org. Or check "YES! I want to be an organ and tissue donor" when you apply for or renew your driver’s license or ID card through the California DMV.

California does not require family consent to carry out your wishes to be an organ or tissue donor. However, keeping everyone informed will help avoid

any confusion or delay or family opposition. Print and hand out a family notification card at www.donatelife.net/CommitToDonation/notify_form.pdf.

If you are interested in donating, it is as simple as filling out the form below.

SAMPLE FORM

THIS IS A LEGALLY BINDING DOCUMENT

According to the guidelines of the Uniform Anatomical Gift Act, I choose, upon my death to:

- A Donate any of my organs, tissues, or parts
- B Donate a pacemaker (date implanted _____)
- C Donate parts, tissues, or organs listed _____

- D Donate my entire body
- E Transplantation Medical Research Both
- F Not donate any organs, parts, tissues or pacemaker

Signature

Date

Witness Signature

Date

Discussed with affected parties

DONORS INITIALS

Put this form with your driver's license. When you renew your license you will receive a similar form along with a little pink DONOR dot that you stick on the front of your license. Or affix your own pink dot. Make certain that your closest family members understand your wishes and encourage them to resist the

temptation to not honor your desires at the time of your death. Discuss organ donating with your kids. You may be surprised, as I was, by their very positive response. My girls have signed up.

HEALTH CARE DIRECTIVE

Or, there is a form prepared by the California Medical Association called an "Advance Health Care Directive." The Directive allows you to specify your health care wishes. You may appoint a health care agent to make health care decisions should you be unable to do so for yourself, and you can give instructions in advance as to your wishes. The form includes an organ and tissue donation election. It should be signed in front of witnesses and notarized. I will send you an Advanced Health Care Directive. No charge. I encourage you to do it for yourself and your family. The Directive replaces the Durable Power of Attorney for Health Care but that form remains valid. Even if you are uncomfortable agreeing to be a donor, which is a personal choice, completing an Advanced Health Care Directive is an important part of your estate planning.

Any awkwardness of the subject should not deter you. Even if you don't have a will and/or are relatively young, and in particular if you are young, complete a donor directive form. Have your kids do so too. You may save a life, maybe multiple lives.

Jim Porter is an attorney with Porter Simon, with offices in Truckee, South Lake Tahoe, Incline Village and Reno and a licensed California Real Estate Broker. He was the Governor's appointee to the Bipartisan McPherson

Commission on political ethics and the California Fair Political Practices Commission. He may be reached at porter@portersimon.com or at the firm's web site www.portersimon.com

© 2009