

THE GIFT OF LIFE (ANATOMICAL GIVING) by Susan H. Confair

Television programs often highlight the miracles which can be accomplished through organ donation for such purposes as transplantation, research and education. Depicted in these programs is not only the gratitude felt by the beneficiary of the transplanted organ towards its donor, but the fulfillment that the families of the donor gain through this experience.

Pennsylvania enacted the Anatomical Gift Act in March 1995 which provides new and less burdensome avenues in which to accomplish anatomical donations upon your death. Certain requirements are essential. In order to make a gift of all or part of your body you must be of sound mind and at least eighteen years old. Minors who are at least sixteen years old may also make anatomical gifts if parental or guardian consent is given.

There are certain individuals and entities which may accept your anatomical gift including hospitals, physicians, surgeons, and organ banks for the purpose of medical or dental education, research, transplantation or therapy; an accredited medical or dental school for all of the above purposes except transplantation; a specified individual for transplantation or therapy; and the Humanity Gift Registry, a Pennsylvania nonprofit organization, for distribution to medical and dental schools.

The anatomical gift becomes effective at the time of death. A gift of the entire body must be made within fifteen days prior to the date of death. Not only may you make arrangements to donate your own body or body parts, but a certain class of individuals including your spouse, adult children, parent, adult brother or sister or guardian of your person are authorized to make such arrangements upon your death. Such person is authorized to make the anatomical gift, but only when a member of the same or prior class has not objected or they have no notice of your contrary intent. Such a gift is made by the signing of a document by the appropriate person.

There are various ways you may accomplish the anatomical gift such as by making a statement in your will or in a living will, obtaining a donor card, or making a designation on your driver's license. Your attorney-in-fact may be given the power to make such gifts as designated in a Power of Attorney. Such documents will need to be signed by you in the presence of two witnesses who will also sign the document in your presence.

You may also designate the surgeon or physician who will carry out the appropriate procedure. If the person designated is unavailable, the donee or other person authorized to accept the gift may employ the surgeon or physician.

A revocation or amendment of your anatomical gift may be made at any time until your death. This may be affected by a signed written statement of revocation or amendment, an oral statement made in the presence of two persons and communicated to the donee, an oral statement made to an attending physician and communicated to the

donee, or by a signed writing.

For more information on how to accomplish an anatomical gift contact our Estate Planning Department at (717) 763-1383.