

POSITION STATEMENT ON ORGAN/TISSUE CASES

THIS MEMORANDUM OF UNDERSTANDING ("MOU"), dated November 2011, between the Illinois Coroners and Medical Examiners Association (ICMEA) and Gift of Hope Organ & Tissue Donor Network (Gift of Hope) is intended to establish the principal terms among the two Parties in an effort to facilitate the timely recovery of donated organs and tissue with regard to a body that is under the jurisdiction of the Coroner's or Medical Examiner's office.

As a matter of law, Coroners and Medical Examiners are granted broad powers in the investigation of deaths falling under their jurisdiction. This authority is granted because it has long been recognized that the coroner or medical examiner must be able to make inquiry into deaths of public interest without the interference or influence of any individual, group, or special interest that may, knowingly or unwittingly, cause justice to be thwarted.

Nonetheless, the work of the Coroner or Medical Examiner is not performed in a vacuum. As such, the professional death investigator becomes a bridge across many boundaries and areas of expertise. The survivors and family of the deceased, the medical community, the criminal justice system, the funeral industry, other branches of government, the clergy, and a host of others find particular interest to one degree or another in how the Coroner and Medical Examiner functions.

Each of these entities has legitimate, vested, and sometimes competing interests in the affairs of the decedent. Through negotiation, compromise, teamwork, and reasoning, these entities can come together and serve their interests, as well as that of the deceased, while preserving the authority of the Coroner or Medical Examiner.

The death, grief, and emotional strife that is witnessed by the Coroner or Medical Examiner during the diligent search for truth leads to a tremendous appreciation of the preciousness

of life, a realization of the greatness of that gift, and a heartfelt desire to bring some element of life and hope to a dark and tragic time. It is with the outlook that the Illinois Coroner and Medical Examiners Association (ICMEA) endorses the concept and practice of organ and tissue donation, but each instance must always be weighed heavily against the Coroner and Medical Examiner's legal mandate of assuring that justice for the deceased - and society as a whole - prevails.

An atmosphere of cooperation and collaboration between the coroners and medical examiners and the Gift of Hope is desired in order for each party to carry out its given mission. Legislation, litigation, or mandate cannot create the spirit, desire, and willingness for these two parties - each with a noble and just purpose - to come together for the benefit of a life into the future and a life that has been left behind.

Acknowledging that both parties have a vested interest in the affairs of a decedent and are entrusted to the care of the deceased, it is the intention of this MOU that, by creating an atmosphere of cooperation and collaboration, and through negotiation and compromise, the two entities can work together, preserving their individual needs while, above all, ensuring that, whenever possible, the decision of an individual to provide the gift of life through organ and tissue donation is honored.

Therefore, the two Parties agree to the following:

- Gift of Hope will provide on-going educational seminars for Coroners and Medical Examiners in an effort to promote better communication and increase awareness of the benefits of organ and tissue donation;
- The Coroner and Medical Examiner will make a concerted effort to allow for the timely removal of organs and tissue when an anatomical gift has been made with regard to a body that is under his/her jurisdiction and it is determined that no post-

mortem examination is necessary or the gift will not interfere with the post-mortem examination nor the investigation into the manner and cause of death;

- No recovery of an anatomical gift may be made with regard to a body that is under the jurisdiction of the Coroner or Medical Examiner, before the post-mortem examination is complete, without his/her consent;
- The Coroner or Medical Examiner will make a concerted effort to conduct a post-mortem examination within a period compatible to allow for organ and tissue donation when an anatomical gift has been made with regard to a body that is under his/her jurisdiction and it is determined that a post-mortem examination is necessary;
- The Coroner or Medical Examiner will, upon request and as expeditiously as possible, release information (i.e., name of decedent, family contact information, available medical and social history, post-mortem examination results, etc.) to Gift of Hope for the purposes of facilitating organ and tissue donation;
- Gift of Hope will, upon request and as expeditiously as possible, provide any information requested by the Coroner or Medical Examiner deemed relevant to a death investigation (i.e., medical records, laboratory results, x-rays, other diagnostic results, a record describing the condition of the part from the recovering physician or technician, a biopsy, photographs, specimens from toxicology analysis and any other information or observations that would assist in the post-mortem examination and/or investigation);
- The Coroner or Medical Examiner will consult with Gift of Hope's medical director or his designee prior to making a final determination to deny the recovery of any organs or tissue with regard to a body that is under his/her jurisdiction;
- The Coroner or Medical Examiner will allow for the transportation of any organ or tissue donor to Gift of Hope's in-house recovery suite, with consent from the legal next-of-kin, to facilitate the timely recovery of organs and tissue for transplant, provided it will not interfere with the Coroner's or Medical Examiner's investigation into the cause and manner of death;

- When an anatomical gift has been made with regard to a body that is under the jurisdiction of the Coroner or Medical Examiner, and he/she has determined that the recovery of the anatomical gift will interfere with the post-mortem examination and/or the investigation into the manner and cause of death, he/she will verbally inform Gift of Hope of the specific reason(s) for not allowing donation;
- Gift of Hope will reimburse the office of the Coroner or Medical Examiner for reasonable costs associated with their involvement in an organ or tissue recovery.

IN WITNESS WHEREOF, the parties hereto agree to cooperate in good faith and enter into such other and further agreements as necessary and appropriate in order to fully effectuate the terms of this MOU.

BY: Jarold Anderson

President/CEO

Gift of Hope Organ & Tissue Donor Network

Date: 12-21-2011

BY: Dr. Thomas Kupferer

President

Illinois Coroners and Medical Examiners Association (ICMEA)

Date: 11-22-2011