

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
659**

**INMATE ORGAN AND BLOOD DONATION**

**Supersedes:** NEW  
**Effective Date:** 05/15/18

**AUTHORITY:** NRS 209.131; NRS 259.050; NRS 259.180; NRS 460.010; Revised Uniform Anatomical Gift Act (NRS 451.500 – 451-598)

**PURPOSE**

To ensure the Nevada Department of Corrections (NDOC) has established guidelines for organ and blood donations by inmates that are strictly voluntary and in compliance with federal and state regulations. There is no special consideration or treatment provided to an inmate for participation and no repercussions will result from nonparticipation.

**RESPONSIBILITY**

The Medical Director is responsible for the administration and oversight of the Inmate Organ and Donation regulation.

The Medical Administration is responsible to implement the policies and procedures.

All Medical Division staff are responsible to have knowledge of and comply with this regulation.

**659.01 ORGAN TRANSPLANTATION**

1. The Department will consider voluntary organ or tissue donations for transplantation available to inmates.
2. The consent for organ or tissue donation to inmates, as well as the charges incurred in the preliminary testing and the actual donation process, are the *sole responsibility* of the donor, donor recipient, and the organization financially responsible for the donation (including lab work, shipping, all hospital charges, inmate transportation and operational security costs).

**659.02 ORGAN DONATION DURING LIFE**

1. Live organ donation by inmates may be permitted with approval of the Director only when the recipient is a member of the inmate donor's immediate family and the inmate is the only viable donor.

- A. The inmate's immediate family members will be identified using a certified copy of their birth certificate, which shall be provided to the institutional Director of Nursing Services (DONS).
  - B. The institutional Director of Nursing Services shall meet with the inmate and then forward a memo, through the Warden and Medical Director, to the Director requesting approval for the organ donation. Attached to the memo should be the inmate's statement identified in 659.02(2) of this section, a copy of the immediate family member's birth certificate and a statement from the recipient's insurance company or transplant entity, confirming the information required in section 659.03(5).
  - C. The Director has the sole discretion to approve or disapprove the organ donation and will advise the Medical Director, Deputy Director of Operations and the Deputy Director of Support Services accordingly.
2. The inmate shall sign documentation, according to the medical department directives, indicating their desire to donate a specific organ to a specific immediate family member and acknowledge that the inmate:
    - A. Understands the possible dangers of the organ donation process and procedures;
    - B. Is participating of their own free will; and
    - C. Understands the Nevada Department of Corrections, the State of Nevada and/or its employees and contract workers will not be held responsible for any complications or financial responsibilities arising out of or related to the donation.
  3. The inmate's signed documentation shall be provided to the Director, Medical Director, Deputy Director of Support Services and the institutional Director of Nursing Services, with a copy being placed in the inmate's medical records.
  4. The Department will incur no costs that arise out of or are related to the organ donation process, including custody and transportation costs before, during and after the hospitalization and surgery, including the period beginning with compatibility testing, through the inmate donor's healthy recovery and subsequent return of the inmate to their assigned institution.
    - A. Organ donation will only be permitted after documents have been received from the appropriate entities (i.e., recipient's insurance company), which ensure that the Department will incur no liability or expense of any kind as a result of the organ donation, including all costs associated with the transportation and security of the inmate at off-site facilities.

- B. The Department will provide an estimate of custody and transportation costs calculations upon request. All expenses and costs will be calculated by the Offender Management Division, in each case, in response to a request.
- C. The institution will provide the Director of Nursing Services with all security requirements and identify a point of contact for the Director of Nursing Services to facilitate the requisite diagnostic testing through post-harvest visits.

### **659.03 BLOOD OR BLOOD PRODUCTS**

1. Inmates are not authorized to donate blood or blood products.
2. The Department may grant an exception to this provision on an individual case basis, if it is determined by an approved medical authority that the offender is the sole source of blood for an immediate family member in need.
  - A. Immediate family members will be identified by a certified copy of their birth certificate which shall be provided to the institutional Director of Nursing Services.
  - B. The institutional Director of Nursing Services shall meet with the inmate and then forward a memo through the Warden and Deputy Director of Support Services to the Department Director requesting approval for the blood donation. Attached to the memo should be the inmate's statement as required in #5 of this section and:
    - (1) A copy of the inmate family member's birth certificate.
    - (2) A statement from the recipient's insurance company or transplant entity confirming the blood donation will occur at no cost to the Department.
    - (3) Custody and transportation costs before, during and after the hospitalization and procedure. This will include the period from compatibility testing through the inmate donor's health recovery and subsequent return of the inmate to their assigned institution.
  - C. The Director has the sole discretion to approve or disapprove blood or blood products donation and will advise the Medical Director, Deputy Director of Operations and the Deputy Director of Support Services accordingly.
3. The Department will assume no financial responsibility for the cost of blood or blood products donation.
4. Blood donations for an autologous blood transfusion, for an inmate scheduled for surgery, will be permitted only if recommended by the attending surgeon, the inmate desires and consents, and the facility has the resources and means to accomplish it.

5. Inmates who donate will be required to sign medical forms indicating the inmate understands the possible dangers of donating blood and that the decision is made of their own free will.

#### **659.04 ORGAN DONATION UPON DEATH**

1. Organ donations will be permitted upon the death of an inmate in accordance with the provision of the Revised Nevada Uniform Anatomical Gift Act (NRS 451.500 - 451.598).
2. The Department shall not be involved in the determination of whether or not any person consenting to organ donation, on behalf of the inmate, has authority pursuant to the Revised Nevada Uniform Anatomical Gift Act to consent or deny or participate in the determination as to whether an anatomical gift has been made, amended or revoked.
3. The Department shall not participate in any aspect of granting consent or the consent process of organ procurement (NRS 451.556).
4. The organ procurement organization views all persons pending death as prospective organ donors, regardless of their medical history, and is vested with the authority to make the final determination as to the suitability of donation.

#### **659.05 AUTOPSY AND INVESTIGATIONS**

1. In accordance with NRS 209.3815, the Director shall request the coroner or medical examiner conduct an autopsy for any offender that dies while in custody of the Department, unless the family objects within 72 hours after the death.
2. When an autopsy is anticipated or required by statute, the applicable Medical Examiner shall have the sole authority to determine if organ donation is feasible.
3. The Department will not assume any financial responsibility for the cost of the organ donation or transplant process.

#### **659.06 INMATE DEATH PERSUANT TO A WARRANT OF EXECUTION**

The organs of inmates who die as a result of the Department carrying out a Warrant of Execution are not eligible for donation for organ transplant purposes.

#### **659.07 IMMUNITY FROM LIABILITY**

A person is not subject to civil liability, criminal prosecution or administrative proceedings for good faith acts or omissions related to procurement of parts in compliance with this regulation. All acts and omissions are presumed to be in good faith, unless the acts or omissions are done with intent to maliciously cause injury.

**APPLICABILITY**

1. This regulation requires a Medical Directive and procedures on Inmate Organ and Blood Donation.
2. This regulation requires an audit.



\_\_\_\_\_  
Medical Director

6/12/18

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Date



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James Dzurenda, Director

5-15-18

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Date