



ABSTRACT

Health and Family Welfare Department - Cadaver Organ transplant - Procedural formalities - Post-mortem examination - Orders - Issued.

HEALTH AND FAMILY WELFARE (Z1) DEPARTMENT

G.O. (Ms) No: 259

Dated: 14.09.2010

Thiruvalluvar Aandu: 2041

Aavani: 29

Read:

1. G.O. (Ms) No.75, Health and Family Welfare Department, dated 3.3.2008.
 2. G.O. (Ms) No.287, Health and Family Welfare Department, dated 5.9.2008.
 3. G.O. (Ms) No.288, Health and Family Welfare Department, dated 5.9.2008.
 4. G.O. (Ms) No.296, Health and Family Welfare Department, dated 16.9.2008.
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ORDER:

The Government of Tamil Nadu has revamped the methodologies and issued several orders, streamlining the procedures for "Cadaver Organ Transplantation", an attempt to give "life" a new lease after death. Many of the cadaver organ donors are victims of road traffic accidents or other unnatural deaths, which are Medico-Legal cases and necessitate police inquest followed by post-mortem examination. As part of the streamlining process, it is now necessary to clarify the procedures to be observed in relation to such medico-legal cases.

2. Sections 4 and 6 of the Transplantation of Human Organs Act, 1994 (Central Act 42 of 1994) outline the need for procedural clearances that are required to be made prior to organ retrieval from a person who is brain dead and whose body may be required for post-mortem examination, it being a medico-legal case. Currently the procedure required to do post-mortem in such cases has proved to be a major impediment in popularizing cadaver organ donation.

3. The issue has been examined in detail with transplant experts, co-ordinators, forensic experts and senior specialists from Government Stanley Hospital and Kilpauk Medical College and Hospital and it has been decided to devise the following procedure for facilitation of organ transplantation in Medico - legal cases:-

- (i) As and when a suspected brain-death takes place, the authorized doctors shall conduct the first brain stem death test as prescribed in G.O.Ms.No.75, Health and Family Welfare Department, dated 03.03.2008.
- (ii) Should this first test prove positive, the near relatives namely spouse, son, daughter, father, mother, brother or sister of the patient (potential organ donor) shall be consulted and their consent would be sought for organ donation.

- (iii) After consent is obtained from the near relatives of the patient, the Investigation Officer of the medico-legal case concerned shall immediately be requested by the Transplant hospital concerned, in Form - I annexed to this Order, to come to the hospital, in order to expedite the conduct of the inquest, through the police outpost or designated police station of the hospital.
- (iv) The second brain-stem death test on the potential organ donor shall then be carried out according to the Transplantation of Human Organs Rules, 1995 and Form 8 of the said Rules (as in Annexure I of G.O.Ms.No.75, Health and Family Welfare Department, dated 3.3.2008), will be signed by the authorized doctors, and this shall be independent of the other inquest formalities.
- (v) On receipt of 'Death Intimation' along with Form 6 and Form 8 of the said Rules, the Investigation Officer shall conduct the inquest and determine whether a post-mortem is required. If the post-mortem examination is not required, then the Investigating Officer shall inform the near relatives of the potential organ donor and accordingly the organ retrieval may take place.
- (vi) In case the Investigating Officer decides that a post-mortem is needed, he shall submit:-
 - a) a requisition for conducting the post-mortem;
 - b) 'Organ functional Status Certificate' issued by the medical officer who had treated the patient in Form II annexed to this Order; and
 - c) copies of Form 6 and Form 8 of the said Rules, to the Medical Officer who will conduct the post-mortem examination.
- (vii) The medical officer who will conduct the post-mortem shall then authorize the organ retrieval, as per section 6 of the Transplantation of Human Organs Act 1994, in Form - III annexed to this order.
- (viii) Thereafter, the organ retrieval shall take place, following which the post-mortem shall be conducted by the medical officer designated to do the post-mortem. Any duly authorized Transplant hospital (Government or Private) will utilize, for the purpose of post-mortem, the services of the medical officer(s) from the Forensic Medicine Department of the Government Medical Colleges or any other qualified Forensic Medicine Expert(s) or any Government medical officer(s) who has/have experience in post-mortem work.

After completion of the post-mortem, the body shall be handed over to the police who shall then complete the necessary procedures.

4. The conduct of post-mortem in the above procedure will be by qualified persons as contemplated in section 174 (3) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

5. This order issues with the concurrence of Home Department vide its U .O. No.15101/Pol-VII/2010-1, dated 11.3.2010.

(BY ORDER OF THE GOVERNOR)

V.K.SUBBURAJ,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Medical Education, Chennai - 10.

The Director of Medical and Rural Health Services, Chennai - 6.

The Dean, Government General Hospital, Chennai - 3.

The Dean, Government Stanley Hospital Chennai - 1.

The Dean, Government Kilpauk Medical College Hospital, Chennai -10.

Copy to:

The Home Department, Chennai - 9.

The Director General of Police, Chennai - 4.

SF/SC

/FORWARDED BY ORDER/

SECTION OFFICER

Form - I

Police Intimation Form

From
Chief Medical Officer / Residential Medical Officer,

----- Hospital,

Address

To
The Inspector of Police / Investigating Officer
----- Police Station.

Address:)

Sir,

Thiru/Tmt-----aged-----years of-----

(Address) sustained injuries (details) and was admitted in-----
hospital on----- (dd/mm/yy).

2. The near relatives of the patient have expressed a positive inclination to donate the organs of the patient in the event of the patient's Brain death. The Brain Death Certification process is now in progress, as per the Transplantation of Human Organs Act, 1994 (Central Act 42 of 1994).

3. You are requested to immediately come to the hospital in order to expedite the conduct of the inquest and carry out necessary procedures to enable the Cadaver Organ donation.

Yours faithfully,

Copy to:
Concerned Commissioner of Police
or
District Superintendent of Police

/true copy/

Section Officer

Form - II

Organ(s) Functional Status Certificate

This is to state that Thiru / Tmt-----
s/o / d/o----- who had been admitted in our
hospital on ----- (date) (IP No.) has been certified as Brain
dead on ----- (date) at -----A.M. / P.M. as per the Transplantation of
Human Organs Act, 1994 (Central Act 42 of 1994)

As per the Clinical / Biochemical examination and other investigations the
following organs of the Brain Dead Potential Organ Donor are in functioning status:

- (1)
- (2)
- (3)
- (4)
- (5)

(Signature of the doctor,
who treated)

/true copy/

Section Officer

Form - III

Organ Retrieval Authorization Form

I / We, Dr. ----- hereby authorize, as per
Section 6 of the Transplantation of Human Organs Act, 1994, (Central Act 42 of 1994)
the retrieval, of the under mentioned organs, for the purpose of transplantation from the
Brain Dead Cadaver of Thiru / Tmt-----
-----s/o / d/o-----

whose Brain Death was certified as per the said Act and the functioning status of the
organs intended to be retrieved for transplantation purpose have been certified by the
doctors, who treated him / her.

organ authorized for retrieval:

- (1)
- (2)
- (3)
- (4)
- (5)

(Signature of the Medical Officer,
Who will conduct Post - mortem)

/true copy/

Section Officer