



PROCEDURE CONCERNING INFORMATION FOR NEXT OF KIN

Autopsies and Organ Retention

Introduction

On June 10, 2015 the New York State Court of Appeals overturned the decision of the lower court in the case of ShIPLEY v. City of New York (requiring OCME to notify NOK in instances of organ retention, giving NOK the opportunity to consider that information when making funeral plans). The Court of Appeals determined that under the law as it currently exists, the City (ie, OCME) has no obligation to notify family of retained organs, nor is there an obligation to return such organs to family.

OCME has determined that it is appropriate to provide families with information, through their funeral homes, about autopsies and organ retention in ME cases, allowing them to inquire about organ retention for their decedent and have the option to make arrangements to claim retained organs.

Procedure

“Dear Families and Friends” form letters - distribution

Mortuary Staff

- In all ME cases – and only in ME cases (ie, not claim-only or other non-ME cases) – the form letter is to be filled out with the decedent name and ME case number, and the correct borough phone number checked, at the bottom of the letter. It is to be given to the funeral director who claims the remains in the specific case noted in the letter together with the Mortuary Release Form.
 - The form letter is always to have the blue logo stripe at the top, and should be a clean, straight copy.

FQS

- Spot check that the notice letter, including the correct case name, ME case #, and borough phone number, accompanies the Mortuary Release Form given to the funeral director at time of case check-out.

NOK responses to the form letters (NOK, for this purpose, includes family + friends)

ID Staff

- If family calls in response to having received the Dear Families and Friends letter from their funeral home, ID staff can inform family whether an autopsy was performed in their case, and if so, whether an organ(s) was retained.
- If the family inquires about claiming the organ, ID staff can inform them that
 - **hearts** become available for release after a minimum of one week
 - **brains** become available for release after a minimum of two weeks
 - for **other organs**, ask the assigned medical examiner, or refer the caller to the assigned medical examiner.
- ID staff can inform family that **unclaimed organs** are disposed of as medical waste (which is incinerated, not cremated – please do not confuse the terms).
- If family informs you that they wish to claim the retained organ(s), OCME will handle those requests on a case-by-case basis:
 - Create a case note in CMS reflecting the family's request, which includes the details of
 - Who made the request
 - Their relationship to the decedent
 - Their contact information
 - What their plans are for claiming the organ(s): body now/organ later, or body + organ(s) later.
 - If they want to claim the body + organ(s) later, put the body on organ retention hold in CMS.
- Remind the family/friend that they should discuss the details with their funeral home.

- If family requests additional information about the autopsy itself, or about the need for organ retention or other detail concerning organ retention, the call should, at that point, be referred to the assigned medical examiner.
- Send an email to the assigned medical examiner that the family wishes to claim the organ and to review CMS case notes for details.

Medical Examiners

- Assigned MEs will discuss substantive organ retention issues with family/friends, at their request.
- Assigned MEs will provide information to ID staff regarding length of retention for organs other than hearts and brains, at the request of ID staff
- In those cases where family/friends have indicated they will claim the organ, assigned MEs will coordinate with neuropath/cardiopath fellows to be sure the cut/examined organ is sent to the morgue to be reunited with the body, or held for claim by the funeral home (body already released) as applicable

Forensic Quality Specialists

- FQs shall be aware of the procedure noted above
- During the course of a time-out in checking out ME cases only, the FQS will review the case notes in CMS to determine if family has informed OCME that they wish to claim retained organ(s).
 - If the family indicated they will claim the organ(s), FQs will confirm that there are no discrepancies between the family's expressed wishes concerning claim of retained organs and the status of such organ(s) at the time of requested check-out
 - Inconsistencies must be resolved before check-out can be completed



THE CITY OF NEW YORK
OFFICE OF CHIEF MEDICAL EXAMINER

Dear Families and Friends,

On behalf of the staff of the New York City Office of Chief Medical Examiner (OCME), I offer my condolences on the loss of your loved one.

As you know, the Office of Chief Medical Examiner has accepted jurisdiction over the death of your family member or friend. This means that a specially trained physician, known as a medical examiner, has been assigned to investigate the circumstances surrounding the death.

The medical examiner may have determined that a full internal examination (autopsy) was required as part of this investigation, and may retain internal organs for further examination and study if necessary to determine the cause and manner of death. This additional study requires extra time and may also involve consultation with other physicians with specialized training. All organs that are taken will be disposed of by OCME after a period of time that may range from two weeks to as long as three years. If this retention affects your funeral plans, you may contact OCME to request that retained organs be released to you through your funeral home.

Please be assured that the staff of the Office of Chief Medical Examiner is available to assist you during this most difficult time. Feel free to contact us at the checked telephone number below.

Sincerely,

Barbara A. Sampson, M.D.-Ph.D.
Chief Medical Examiner