FIRST PERSON AUTHORIZATION

First Person Authorization (FPA) a.k.a. Donor Designation = Legally Binding Decision for Donation

DMV or Online Donor Designation is Legally Binding (CA UAGA, 2007):

7150.20 (a): A donor may make an anatomical gift through any of the following:
1. By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s driver’s license or identification card and included on a donor database registry.
2. Directly through the Donate Life California website ([www.donatelifecalifornia.org](http://www.donatelifecalifornia.org)).

Making an anatomical (organ, eye, tissue) gift upon death, is legally the same as designating a will or providing a testament of the decedents wishes on how one wants their estates to be managed and personal property to be distributed. It is similar to an Advance Directive, however, it only becomes active upon death and therefore cannot be overruled.

DMV or Online Donor Designation is Irrevocable (CA UAGA, 2007):

7150.35 (a): Except as otherwise provided in subdivision (g) and subject to subdivision (f), in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor’s body or part if the donor made an anatomical gift of the donor’s body or part under Section 7150.20.

Can the Family Overrule the Donor’s Legally Binding Decision?

While families are usually relieved that the decision for donation has already been made and wishes declared by their loved one, on occasions, families may question their loved one’s designation. In such cases, State-laws must be followed so that the Organ Procurement Organization (OPO), OneLegacy, and the hospital cannot be held legally responsible for not honoring the patient’s designated wishes:

Revoking an Anatomical Gift (CA UAGA, 2007):

7150.25 (d): A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness. The witnesses shall memorialize this communication in writing and sign and date the writing.

Why Families may question the FPA and how OneLegacy addresses those questions:

- Donation was raised too early with the family – giving the family time will usually meet their need
- Someone sets an expectation with the family that authorizing donation is their decision to make – avoiding language that indicates they have a decision to make
- Families may have some misconceptions about donation – addressing the families concerns
- Surprised their loved one didn’t tell them – normalizing the situation and letting families know that it is normal that individuals don’t discuss death with their family.

Most often families questioning FPA will accept the FPA once their concerns have been addressed and when they understand the patient’s designation is legally binding. Families have reported finding comfort in the knowledge that their loved one was able to save and enhance other lives.

Ethical Considerations (Bucklin, 2002):

- Families have an ethical duty to honor the expressed wishes of their loved ones.
  - Giving the gift of life to others, or whatever their value or motive, may have been very important to the donor and there is an ethical duty to respect and honor it.

24-Hour Organ/Tissue Donor Referral
(800) 338-6112

Ref: [www.donatelifecalifornia.org](http://www.donatelifecalifornia.org), [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7150-7151.40](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7150-7151.40)