Sperm Retrieval from Dead or Irreversibly Comatose Patients

1. Sperm retrieval from a dead or irreversibly comatose adult male patient may be performed if prior written and notarized documentation from the donor is available stating he authorized retrieval of his sperm after his death or when he became irreversibly comatose. The documentation must also state the name of the adult person who is the intended sperm recipient.

2. Alternatively, sperm retrieval from a dead or irreversibly comatose male patient may be performed if at least one of the patient's health care providers, who is not an interested party with respect to sperm retrieval, can provide documentation of the donor's authorization for posthumous sperm retrieval or sperm retrieval while irreversibly comatose. This documentation must include the name of the adult person who is the intended sperm recipient. The health care professional must have documented the patient's wishes in his written records and must indicate that the patient's wishes were expressed at a time when the donor was capable of voluntary and informed decision making.

3. If a pre-registered Lahey Clinic patient did not provide prior written authorization for sperm retrieval after his death or when he is comatose, and the appropriate documentation is not available from his health care provider, the person requesting the sperm retrieval shall be informed that judicial authorization for sperm retrieval will be required. Lahey Clinic reserves the right to participation of its counsel in the judicial proceedings. Judicial authorization will only be accepted for those who were registered Lahey Clinic patients prior to the diagnosis of death or irreversible coma. Patients who were not registered Lahey patients prior to death will not be considered for sperm retrieval unless the documentation delineated in Sections 1, or 2, is available.

4. Lahey Clinic will make no attempt to judge, and will not be responsible for the appropriateness of the intended sperm recipient named by the donor as either sperm recipient or as a mother.

5. The person requesting sperm retrieval will be responsible for contacting and contracting with the sperm bank that will cryopreserve and store the collected sperm.

6. The storage and release of any sperm collected at the Lahey Clinic will be the responsibility of the sperm bank authorized by the person requesting sperm retrieval to take possession of the sperm and will not be a responsibility of the Lahey Clinic.

7. Lahey Clinic will make no guarantee as to the quantity, quality, genetic content, safety, viability, or effectiveness of any sperm it collects.

8. Posthumous sperm retrieval must be authorized by the next of kin. In the case of an irreversibly comatose patient sperm retrieval must be authorized by the appropriate surrogate decision maker. In the case of an irreversibly comatose patient, however, sperm retrieval must not, in the judgment of the attending physician, pose an inappropriate medical risk.

9. While the Lahey Clinic will endeavor to honor the wishes of the sperm donor, in case of conflict between the appropriate decision maker and the intended sperm recipient named by the donor, the parties will be advised to seek a judicial determination.

10. Payment for any and all charges related to sperm retrieval will be the responsibility of the individual authorizing the sperm retrieval. Lahey Clinic may collect these charges by any means consistent with standard ethical business practices.

11. No dead body or sex organs will be accepted for transfer to the Lahey Clinic solely for the purpose of sperm retrieval without prior appropriate documentation of compliance with this policy. No irreversibly comatose patient will be accepted in transfer solely for the purpose of sperm retrieval.

12. No Lahey Clinic health care professional will be forced to participate in sperm retrieval from a dead or irreversibly comatose patient, even if authorized or ordered by a court to do so, if doing so would violate his/her religious, professional or personal integrity.

13. Nothing in this policy shall guarantee the availability of this procedure. Sperm retrieval may be performed only if a physician willing and able to perform the procedure is available.

14. Prior to sperm retrieval, the person authorizing the procedure will sign a consent form acknowledging understanding of their responsibilities and the limits of Lahey Clinic's responsibility in the process of posthumous procreation and procreation by the irreversibly comatose patient.

Contact:	Chief, Section of Medical Ethics
References:	"Psychosocial Adjustment among Children Conceived via Donor Insemination by Lesbian And Heterosexual Mothers," Chan, Raboy and Patterson, Child Development (Vol.69, No. 2, Pages 443-47)
	"The Effects of Pregnancy Planning Status on Birth Outcomes and Infant Care," Kost, Landry And Darroch, Family Planning Perspectives (Vol 30, No. 5, pages 223-30)
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