

Study Committee on Post-Mortem
Retrieval of Gametes, Safeguards for
the Acquisition and Use of Anatomical
Material by Non-Transplant Anatomical
Organizations, and Protections for
Unrepresented Donors

December 4, 2025

1

Thaddeus Pope

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JD, PhD, HEC-C

2

UAGA **permits**
Admin. gifts from
unrepresented
decedents

3

but

4

2 questions

5

when

to use Admin consent

6

how
to use Admin consent

7

when

8

REVISED UNIFORM ANATOMICAL GIFT ACT (2006)
(Last Revised or Amended in 2009)

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

9

Admin. may
make a gift
when ...

10

nobody in a **higher**
class is reasonably
available

11

who is in those
higher classes

12

- (1) agent
- (2) spouse
- (3) adult child
- (4) parents
- (5) adult siblings
- (6) adult grandchildren
- (7) grandparents
- (8) adult friend
- (9) guardian

13

but

14

2006

15

2023

16

Uniform Health-Care Decisions Act (2023)



NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

17



18

- | | |
|-------------------------|---|
| (1) agent | (1) agent |
| (2) spouse | (2) spouse [or domestic partner] |
| (3) adult child | (3) adult child or parent |
| (4) parents | (4) cohabitant |
| (5) adult siblings | (5) adult sibling |
| (6) adult grandchildren | (6) adult grandchild or grandparent |
| (7) grandparents | (7) adult ... assisted supported decision making |
| (8) adult friend | (8) adult stepchild |
| (9) guardian | (9) adult friend |

19

“to reflect a broader array of families and support systems ...”

20



question 1

align UAGA
to UHCDA

21



question 2

how long &
hard to **look** for
higher classes

22

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23

Admin. may
make a gift
when ...

24

nobody in a **higher**
class is reasonably
available

25

higher classes are
not “reasonably
available” when ...

26

cannot be “contacted
... without
undue effort”

27

must make due
effort to contact
higher classes

28

NEW YORK



NY Pub. Health L. 4300(20)

29

PENNSYLVANIA



20 PSA § 8611(b)
Wiley v. Einstein
Brown v. DE Valley

30

but

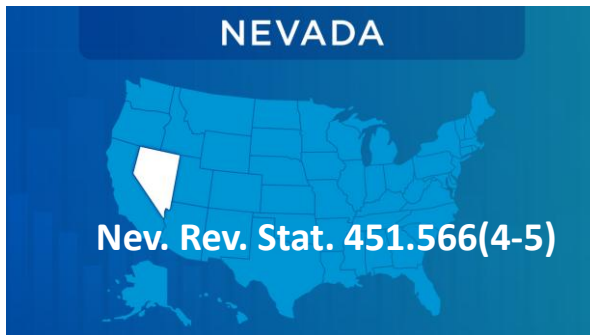
31

some states
require **more**

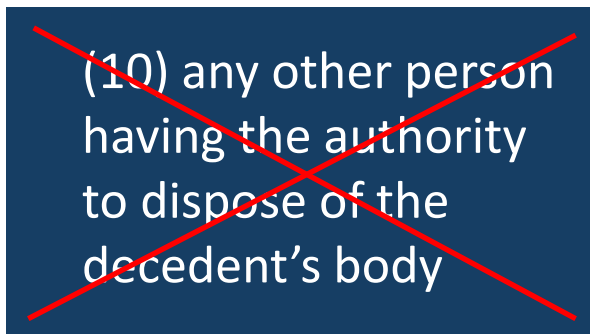
32

some states
better **define**
effort required

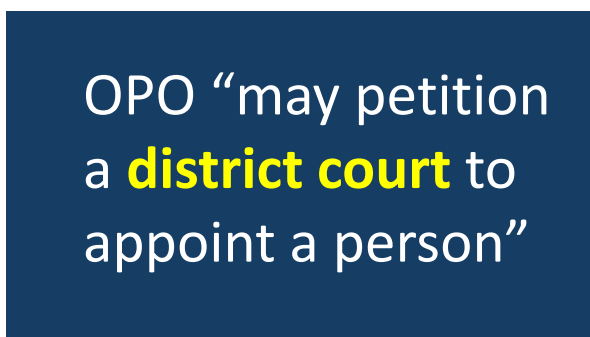
33



34



35



36

“court shall not
grant ... petition
unless [OPO] ...
demonstrates ...”

37

“check ... records of
missing persons ...”

“examine ... [decedent’s]
personal effects ...”

“**question ... persons ...**
visited the decedent”

38

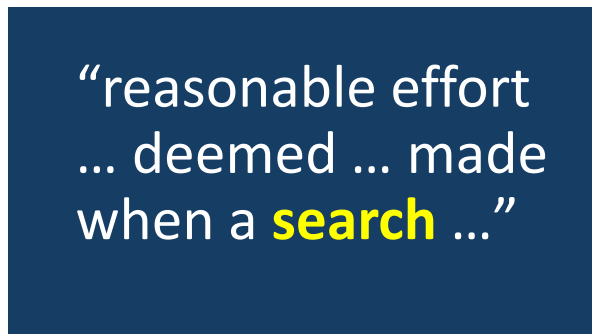


that’s
Nevada

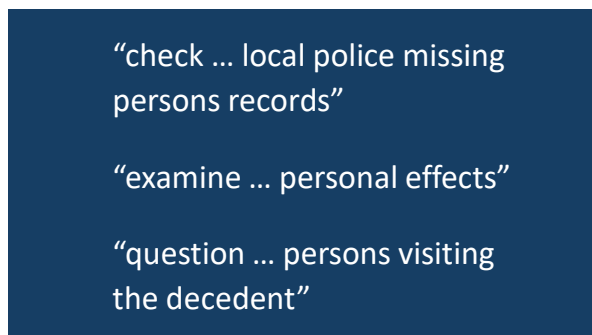
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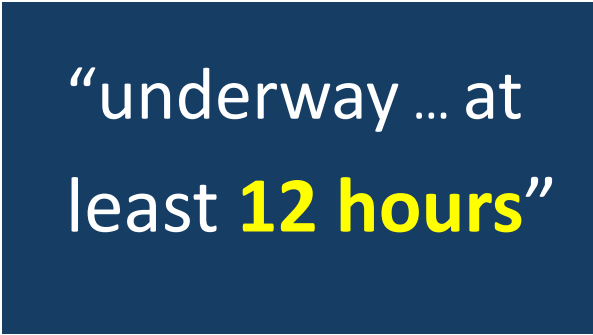
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42



43



44

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 20, 2025

No. 24-60509

Lyle W. Cayce
Clerk

MARK STANFORD, *by and through* ERIK PHILLIPS, as Guardian and
Conservator of the Person of MARK STANFORD,

Plaintiff—Appellee,

versus

BRANDON NURSING AND REHABILITATION CENTER, L.L.C.,

Defendant—Appellant.

45

so...

46



47

follow
NV, CA

48

define effort required
to determine if
anyone in a higher
class is available

49

reasons
to follow NV/CA

50

vulnerable population
homeless
mental illness
SUD

51



Leading Change. Improving Care for Older Adults.

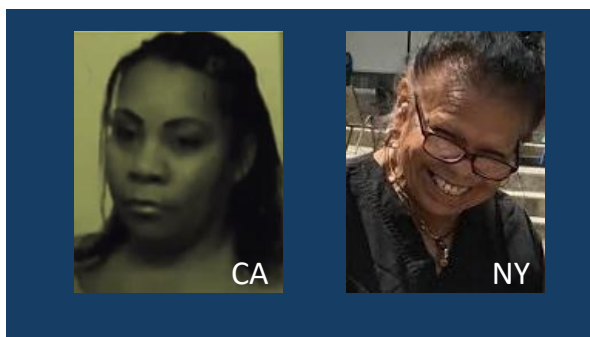


look **hard**
for
surrogates

52



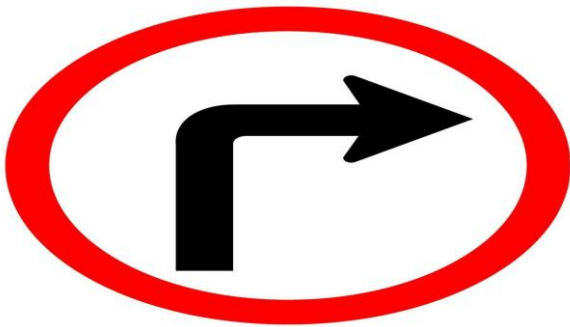
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54

that's enough
on **when** to use
admin consent

55



56

how

57



58

assume **nobody**
in classes 1-9 is
reasonably
available

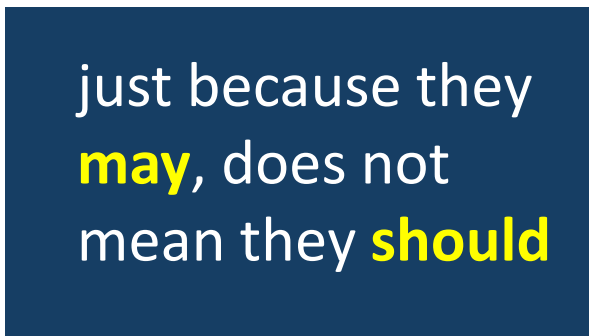
59

so, admin
consent is
appropriate

60



61



62



63

gift only “in the absence
of ... **contrary indications**
by the decedent,
including religious or
moral objections”

64

but

65

constraint applies only
with **actual notice** of
contrary indications

66

1st 9 classes (**NOK**)
would likely know
decedent objections

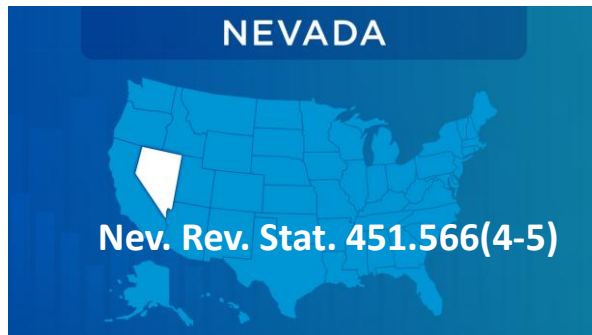
67

Admin **unlikely** to
have actual notice

68

SO...

69



70

OPO must do
more to ensure
 gift does not
 violate decedent

71

OPO must “determine
 that **no evidence exists**
 of ... desire [against]
 anatomical gifts, including
 ... through a refusal”

72



question 3

require **examine**
evidence of
preferences
& values

73



THANK YOU

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