



Montana Body Donation Program: A Potential Component of an Estate Plan

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Some Montanans are motivated to make a body donation by the desire to make a contribution to medical education. Others donate because they want to recognize the value and importance of using bodies for education of present and future health professionals.

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Why would a person donate his/her body to the Montana Body Donation Program?

For the last 35 years, Montanans have donated their bodies to the Montana Body Donation Program (MBDP). Some Montanans are motivated by the desire to make a contribution to medical education. Others donate because they want to recognize the value and importance of using bodies for educating for present and future health professionals about human anatomy. These include doctors, nurses, dentists, physician assistants, physical therapists and students. Still others donate because of their hope some knowledge will be gained to benefit future patients.

The majority of donated bodies are used for teaching complex human anatomy to medical students in the WWAMI Medical Education Program at Montana State University (MSU). Because Montana does not have a medical school, MSU has joined the WWAMI program with the School of Medicine at the University of Washington and the states of Washington, Wyoming, Alaska, Montana, and Idaho. The first letter of each Northwestern state is how WWAMI formed its name.

How may I assure family members will honor my wish to donate my body?

Your decision to donate your body to the MBDP should be shared with your immediate family members so they are aware of your wishes. A discussion in advance will allow family members to ask questions and gain a better understanding about your desire, particularly if you are the first family member to

consider a body donation. The moral and ethical implications of a body donation may vary according to denominational and regional viewpoints. Those with religious and ethical concerns should seek guidance from authorities within their respective affiliations.

Understandably, your family will be grief stricken at your death and during this emotional time your wish to make a body donation may not be honored, unless you have informed them of your desire. Be sure you have completed the appropriate paperwork. By sharing information about your wishes you are also prompting each family member to consider what method of disposition he/she would desire upon his/her death: body donation, cremation with a memorial or funeral service (*with or without viewing*) and burial. For more information, see MSU Extension MontGuide *Cremation* (MT200201HR)

The **Montana Right of Disposition Act** allows you to provide instructions for disposing your remains (body) or to designate an agent with authority to make such decision. Any one of the four methods provided by state law provides legal authority for *your wishes to have priority* over the preferences of your survivors:

1. **Disposition Direction:** One method for creating a disposition direction under Montana law is a written document that can be typed, handwritten, or computer generated. The person and two witnesses (all must be at least 18 years of age and of sound mind) must sign the written instrument.

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A signed *Declaration of Consent* form(DOC) stating that your body shall go to the MBDP for use in medical education qualifies as a written disposition direction. The DOC form may be obtained by calling (406) 994-6516 or downloaded at www.montana.edu/wwami/mbdp/. The MBDP is bound by the **Uniform Anatomical Gifts Act** to accept remains from a donor who has completed a DOC if at all possible.

2. **Signed Affidavit:** A second method of making a disposition direction under Montana law is a signed affidavit. You can authorize another person to control the disposition of your body in an affidavit that is signed before a notary public. This would include your legal representative making a donation of your body to the MBDP. You may also direct your agent NOT to make a body donation or NOT to be cremated. A sample affidavit is provided in Montana law for granting authority to another person to make decisions about the disposition of your body. The affidavit can be downloaded at: store.msuextension.org/publications/FamilyFinancialManagement/sampleaffadavit.pdf.

If you do not authorize a person to make a disposition direction, then under Montana law the authority passes to individuals in the following priority, provided they are 18 years or older and of sound mind:

- Surviving spouse of the deceased;
- Sole surviving child of the deceased or, if there is more than one child of the deceased, the majority of the surviving children;
- Surviving parent or parents of the deceased;
- Surviving sibling of the deceased or, if there is more than one sibling of the deceased, the majority of the surviving siblings;
- If the deceased is not survived by a spouse, children, or siblings, the statute provides priority to others, including grandparents, a legal guardian, a personal representative, or more distant relatives.

3. **Videotaped Disposition Direction:** A third method of providing a disposition direction under Montana law is a video. You can record a video in which you describe your disposition preferences. If you desire to have your body donated to the MBDP, you can make reference to and show during the video to your family the completed *Declaration of Consent* form you have signed. A written confirmation of the video's existence and accuracy must be signed by two witnesses who are at least 18 years of age and of sound mind.

4. **Prepaid Funeral contract:** A fourth method of providing a disposition direction under Montana law is a prepaid funeral contract with a licensed mortuary. There are two types of prepaid funeral contracts recognized under Montana law – a funeral trust or a funeral insurance policy. Both list a licensed mortuary as the beneficiary of the funds. In return, the mortuary promises to provide the prepaid funeral goods or services that were specified in the contract. This would include having your body delivered to the MBDP by the funeral director. Sharing a copy of the MBDP *Declaration of Consent* form with a family member is an added safety measure to assure your family members will honor your wishes.

How would the MBDP be informed of my death?

If the next of kin or legally-designated representative is aware of the donor's wish, they can contact the MBDP or the funeral director of your choice at the time of death, or when they believe it is imminent. If the funeral home has a copy of the DOC on file, they will contact the MBDP. If there is no DOC file the funeral director may bring up body donation as an option for the family, if there is a desire to contribute to medical education or if the cost of burial or cremation is a concern. A representative of the MBDP will provide the funeral director with specific instructions about the care of the body for donation purposes.

In some circumstances the physician, hospice staff, coroner, physician's assistant, or nurse may ask a family member whether the deceased wanted to donate his/her body. If the deceased's wish is to donate his/her body to MBDP, one of those professionals may contact the MBDP.

The MBDP can be reached via cell phone at 406-599-0572 any time of day.

What happens if I am also an organ donor?

Montana's Organ and Tissue Donor Program allows a donor to give someone the gift of life. In Montana, organ donation is handled through the Motor Vehicle Division in association with LifeCenter Northwest (www.lcnw.org). A person does not need a driver's license to register to be an organ donor in the state of Montana. However, a valid ID card or Social Security number is needed to prove that the person meets the age requirements.

If you prefer to be an organ donor and also to donate your body to the MBDP, the first priority is to honor your wish for your body to be utilized for organ transplants. The MBDP cannot use a body following an organ donation unless the procedure is only for the removal of a deceased's corneas.

Can the MBDP accept a donation that has not been registered before death?

The MBDP prefers that an individual wishing to donate his/her body, complete the *Declaration of Consent* form (DOC). The donor should sign the consent form in front of two witnesses who also sign in the presence of one another. This form can be found online: www.montana.edu/wwami/mbdp/.

If the donor was unable to execute the DOC form or died before signing the form, the legally designated representative can complete and submit the *Next of Kin Consent* form for acceptance of the donation after death. The MBDP form should be completed by the legally designated representative as soon after death as possible. Click form at: www.montana.edu/wwami/mbdp/.

Who makes the decision about what educational institution receives my body?

A donated body is placed in Montana where the need is the greatest at the time it is received. The decision is made by the MBDP director in consultation with the WWAMI director.

The majority of the donated remains are used for teaching anatomy to medical students in the WWAMI Medical Education Program. Donations are utilized by other health professions education programs as well, such as the University of Montana, Montana Tech, Rocky Mountain College, and Carroll College. All affiliated health sciences programs maintain the same high ethical standards for the care and use of donations established by the MBDP.

What if I change my mind about making a body donation?

If you change your mind about making a donation, there are *four* ways a body donation authorization can be withdrawn. You may:

1. Revoke in writing the MBDP *Declaration of Consent* order;
2. Revoke verbally by calling the MBDP;

3. Make an oral statement to the attending physician that you do not want to make a body donation; or
4. Make a written statement indicating you no longer want to make a body donation.

What is the final disposition of my body after it has been used for anatomical studies?

1. Your body could be cremated and returned to the family or buried as described below. Cremation is the preferred option, and the cost will be covered by MBDP.
2. Your body could be buried in a shared plot and coffin, without a named stone, in the Bozeman City Cemetery. Names are not included on the gravestone to protect the privacy of the individual donors. The simple gravestone acknowledges the donors' contribution to medical education.

When the studies are complete, MBDP will contact a funeral home for cremation or schedule a burial, whatever final disposition you listed. The original declaration of consent form on file with the MBDP has a section for the wishes of the donor or legally-designated representative to be stated.

Each medical student class conducts an annual memorial service to honor donors and express gratitude for their donations.

Highlights about the process of donating a body to the MBDP

Whether to donate your body for medical teaching is one of many decisions you to consider during the estate planning process. Below is a suggested procedure to assist with your deliberations.

First, read the *Montana Body Donation Program* brochure. Click brochure at: www.montana.edu/wwami/mbdp/.

Second, contact the MBDP with any questions you may have. The phone number is 406-994-6516.

Third, if you reach a decision to donate your body to MBDP, complete and sign three copies of the *Declaration of Consent* form: www.montana.edu/wwami/mbdp/.

Ask two witnesses to also sign the DOC form (*preferably one should be your legally-designated representative*). Send one copy to the MBDP and keep a second copy for your records. The third copy should be given to your legally-designated representative, attorney, physician, and/or funeral home. Be sure to notify the MBDP of any changes in the information on the

form; for example, if you decide you no longer want to donate your body or if you have changed your address.

Fourth, contact your local funeral home and let the funeral director know you intend to donate your body to the MBDP. If MBDP is not able to accept your donation at the time of your death, you should have alternative disposition plans.

Fifth, discuss your decision to donate your body to the MBDP with immediate family members. As you contemplate the option of donating your body to medical education, know that the need is great and your gift will be honored and valued by the MBDP.

Summary

The donation of a body for medical education is a generous and thoughtful act. An effective way to learn anatomy is by studying real human bodies. Pre-health professionals will use this knowledge for the rest of their careers and many refer to the donated body as their first patient. Body donation is a deed that is appreciated by the medical profession. MBDP is committed to ensuring a donated body is treated with great care and respect.

References

- Montana Body Donation Program: www.montana.edu/wwami/mbdp/ downloaded February 26, 2018
- LifeCenter Northwest, Montana Organ Donation: www.lcnw.org downloaded June 30, 2017

Acknowledgements

Representatives from the following reviewed this MontGuide and recommend its reading by all Montanans who are considering the donation of their body to the Montana Body Donation Program as a part of their estate plan:

- WWAMI Medical Education Program, Montana State University
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- Montana Geriatric Center, University of Montana
- Montana Alzheimer's Dementia Workgroup



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