

Information Paper

SUBJECT: The Implications of Line of Duty and Organ Donation in the Military

1. Purpose. This information paper will outline what procedures should be followed in order to donate an organ in the military and still be in compliance of AR 600-8-4.

2. Background. Recently, due to improvements in technology and medicine, organ transplant procedures are becoming more commonplace and safer for both the donor and the recipient. Soldiers are often in good health and make fine organ donors, but can be noncompliant with Army regulations and be found not in the line of duty if they donate an organ without prior approval.

3. Discussion.

a. Army Regulation 40-3, Chapter 9 outlines the Army organ donation program. As a general rule, organs are to be donated through military facilities and the treatments and evaluations done prior to the operation are to be done by military health providers. The medical facility at Walter Reed has been designated as the main facility for such donations. When organs are donated in this manner, there is no question as to whether or not the Soldier is in the line of duty.

b. When a Soldier donates an organ outside the proscribed military facility, the potential donor is required to get prior approval through both his or her chain of command and through the Office of the Surgeon General. The reasoning behind this policy is due to the unique nature of an organ donation: it is an elective medical procedure that has the potential to make the donor in a worse condition than before.

c. Army Regulation 40-3 includes a checklist of actions to take should the organ donation occur outside of Walter Reed. But the checklist of actions in AR 40-3 does not include all the items that the Office of the Surgeon General requires. To be complete, a prospective donor should follow the Surgeon General's list (enclosed).

d. Army Regulation 600-8-4 does not specifically address organ donation. Paragraph 4-8(d) does address operations and treatment. Generally, a line of duty determination would be the same as for the underlying injury or disease. In the case of organ donations, there is no underlying disease, so the line of duty officer has to analyze whether or not the procedure was "administered or performed by an authorized person" to be found in the line of duty.

e. Perspective donors must also be cognizant of the fact that their procedure will be covered by TRICARE only if the recipient is a TRICARE beneficiary. If that is the case, TRICARE will cover both procedures, if not, TRICARE will not cover either one.