Donor Sperm Use

**These template documents were revised before the US Supreme Court decision in *Dobbs v. Jackson* (which repealed Roe v. Wade), and therefore, SART has not reviewed the template documents and did not make any changes based on the *Dobbs* decision. SART strongly recommends that before any SART template document is put into use in a Member's practice, the document should be reviewed by the Member's local legal counsel to ensure that the language conforms to current federal, state and local laws as these may have recently changed or are in the process of being changed.**

DESCRIPTION

This document informs the patient about use of donor sperm in their treatment. It then asks the patient to consent to this therapy with its risks.

TARGET

* All couples or individuals planning to use donor sperm in their treatment.

RELEASE NOTES

* This is the 2nd revision of this document
* Risks to patient reviewed
* Signature page allows for Witness as well as Notary verification

TO DO

* Modify this document according to local needs and preferences.
* Get legal review to assure conformance with State and local laws and regulations

***DISCLAIMER.***

*SART and ASRM make this template available to their member clinics (Clinics) for use as a starting point to design their own patient forms and agreements. The template and all intellectual property rights in the template are owned exclusively by SART and ASRM, and Clinics receive only a right to use the template for their own internal business purposes.* ***This template may not be shared with any non-member organizations****.*

*Neither SART nor ASRM represent or warrant that the template will meet a particular Clinic's needs or objectives or that the template with comply with all the laws, rules or regulations applicable to a particular Clinic.* ***Before using this template you should conduct a legal review to ensure the resulting document complies with all of your responsibilities; meets all applicable legal requirements; and meets all of your program's specific considerations****.*

*Neither SART nor ASRM nor any of their respective administrators, executives, employees, committees or agents make any representations or warranties with respect to the template and disclaim any and all warranties, express or implied, including, without limitation, warranties of merchantability, fitness for a particular purpose, compliance with laws, non-infringement or accuracy with respect to the template. Neither SART nor ASRM will be liable for any incidental, consequential, special, indirect, direct, business interruption, regulatory or punitive damages incurred in connection with or as a result of any claim arising out of use of or reliance on the template or the Clinic's resulting document, even if such consequences or damages were foreseeable.*

*[Without limiting the foregoing, use of the template is subject to the ASRM Website Terms and Conditions of Use and by using the template, you consent to those terms.]*

Donor Sperm for Procreation

Information, Process, Risks and Consent

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Intended Parent A:

**Last Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **First Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ID#\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Intended Parent B:

**Last Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **First Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ID #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Known Donor Sperm:

**Last Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **First Name**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ID #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You are considering using donor sperm for either an insemination or in vitro fertilization procedure. Donor sperm has been utilized for many years for the treatment of male factor infertility or in the absence of a fertile male partner. Donor sperm may be used in cycles that are natural or stimulated to produce egg growth.

Donor insemination is usually performed in a medical setting with semen acquired from a licensed sperm bank by a physician or other medical professional. Donor sperm may also be used with in vitro fertilization where eggs will be inseminated in a dish with donor sperm and some of the resulting embryos will be transferred to your womb.

Prior to using donor sperm, you may undergo screening that includes psychological counseling, a medical history and physical examination, and blood tests. If the results of all the screening tests are acceptable, you will be able to pursue treatment with donor sperm.

In addition to this Donor Sperm Consent form, you will be required to review the informed consent forms for the specific procedure for which you are using the donor sperm.

# Special Considerations

Until the 1980s, donor insemination was usually performed using fresh semen. Today, because of concerns of possible transmission of infectious diseases like HIV, donor insemination is performed exclusively using frozen donor sperm. These specimens are quarantined for a period of time (6 months for non-identified donors) before they can be used. The quarantine allows time for careful screening of the donor. The specimens from “directed” (known) donors are exempt from quarantine under the current Food and Drug (FDA) guidelines. However, your CLINIC may follow the American Society for Reproductive Medicine (ASRM) guidelines which recommend that known donor specimens should be treated in the same manner as non-identified donor specimens.

The long term psychological risks to a woman using sperm from a donor are thought to be minimal.

You have decided to use donor sperm after being informed of other available therapies for infertility, and including adoption. You understand that there is no guarantee that pregnancy will occur. If pregnancy results, there is no guarantee that it will proceed to term.

# Donor Screening

Sperm donors are screened following FDA and ASRM guidelines to minimize the risk that infectious agents will not be transmitted to the recipient. Sperm donors are screened with a complete medical history, physical exam and laboratory testing. You will be notified of relevant portions of the donor’s medical record. This is important for your decision in choosing a donor and may also be important to the medical treatment of any child born as a result of the donation. Most of the information in the donor’s medical record is obtained by questioning of the donor, rather than by performing diagnostic tests, and the validity of the information may not be independently confirmed. Donors are screened for infectious diseases and some genetic disorders. All questions about the donor screening and testing should be directed to the sperm bank from which the samples are obtained. Known donors must undergo the same screening and testing as non-identified donors within 7 days before donation.

Most patients obtain donor sperm from commercial Sperm Banks. After you have completed your selection you will need to purchase the samples directly from the sperm bank and arrange to have them shipped to our CLINIC.

# Recipient Screening

A routine health and reproductive history from you will be obtained according to the general preconception screening standards that are applied to individuals anticipating pregnancy. A complete general physical examination will be performed, including a pelvic evaluation.

We may require each person that plans to use donor sperm for insemination or in vitro fertilization to have a visit with a psychological counselor. Our staff will provide names of counselors who are familiar with ASRM guidelines regarding use of donor sperm, eggs, or embryos, and have agreed to see persons considering Donor Insemination. We view this counseling as an opportunity to prepare you for the stresses of your treatment. Individuals who are identified by the counselor as needing further support may choose to have continued counseling. In addition, the counselor will discuss issues specific to receiving donor sperm including what and when to tell a child about how they were conceived. These issues are worth thinking about before beginning treatment with donor sperm.

In addition to the above topics, if you know the sperm donor, consultation will include separate sessions for the donor(s) and recipient(s) as well as a joint session with the donor, donor’s partner, and recipient(s); expectations for communication and relationship roles between and among donor, recipient, donor-conceived persons, partners, and other family members; discussion that a donor may not be recommended for donation; exploration of donor and recipient(s) preferences about the disposition of any remaining gametes or embryos.

You will need to have testing prior to initiating treatment with donor sperm in order to ensure your safety during the treatment and that of the anticipated pregnancy. Some of these tests will look for infection that could endanger a pregnancy. You may be required to sign a separate consent for HIV screening.

Abnormalities detected from history, physical examination, or laboratory evaluation will be discussed with you and may require more detailed evaluation and treatment. In addition to infectious disease screening, other tests may be required that would be recommended for any woman anticipating pregnancy or infertility treatments. These tests include blood typing, Rh status and antibody screen, a Pap smear and assessment of vaccination status for rubella and varicella and, if nonimmune, the vaccine should be administered, and the pregnancy should be avoided for four weeks.

You will be counseled about your donor’s carrier screen results. The counseling about

positive results will include information about the natural history of the condition(s), carrier frequency, autosomal recessive inheritance, the detection rate of the screen, and the residual risk after a negative result. If a donor carries a recessive condition, you and your partner (as appropriate) will receive counseling regarding the implications of the carrier status specific to the condition and should provide informed consent before proceeding with the donor.

While not required by the FDA, the CLINIC may follow the infectious disease testing recommended by the ASRM [hyperlink] to address any potential medical or legal issues that could arise should the partner seroconvert during or after treatment.

Additionally, the CLINIC may need to perform extra tests as required by their local state authorities.

Consultation with an attorney is strongly recommended for all participants in a known donation. Legal requirements may vary by state.

We require these screening procedures before your first cycle of treatment. For subsequent cycles you may need to repeat a few of these tests. If more than a year has gone by since your first cycle, we may require you to repeat your screening tests.

We may ask some individuals anticipating the use of donor sperm to have genetic screening. The genetic screening may differ from woman to woman. If you do need genetic screening, we will offer to refer you to a genetic counselor that will advise you of the risks and benefits of screening.

Pregnancy itself can be a health risk. If you are over the age of 45 or have any significant illness (such as asthma, diabetes, or multiple sclerosis), we will ask you to be cleared by your internist and a board-certified perinatologist of your choice before starting your treatment. All women over the age of 45 will require a cardiac evaluation. If you have a history of any other significant illness, you will need a consultation with another relevant specialist before starting your treatment.

# Confidentiality

Except as required by law, all information about you obtained during this treatment will be handled confidentially and neither your identity nor your specific medical or psychological details will be revealed by our staff or CLINIC. Your names and address will be kept on file, and this, or any other information which would directly or indirectly identify you will not be disclosed or released to any person or entity without your written informed consent, except as authorized by law. Reproductive tissue bank records shall be open to inspection in some jurisdictions, and shall be kept for at least as long as required by law. Any other use of information about your treatments or about you would require your specific consent. Specific medical details may be revealed in professional publications as long as your identity is concealed.

In some jurisdictions, the donor sperm recipient’s records and cycle outcome are open to inspection by the State Department of Health. The recipient’s name and address and any other information which would directly or indirectly identify the recipient will not be disclosed or released by to any person or entity, except as required by law or court order. However, it is possible that the identity of the sperm donor and his resulting children may become apparent or available despite attempts to keep the process anonymous. In addition, any adverse outcomes, including infectious diseases in the recipients or their offspring, and genetic defects in offspring will be reported to the sperm donor if there is any possibility that the donor’s reproductive tissue contributed to the adverse outcome. It is the policy of the CLINIC to inform the sperm bank if a pregnancy results from the donation.

It is understood that the legal status of the donor is somewhat uncertain and that the laws may change, especially with respect to anonymity. I have had the opportunity and have been advised to seek legal counsel.

# Financial Responsibility

Financial responsibility for all services and medical testing are the sole responsibility of the individuals receiving these treatments.

Prior to arranging the purchase of donor sperm, the laboratory staff should be contacted so that the shipping of the samples is expected. Financial responsibility for the pregnancy and any pregnancy complications (whether of the sperm recipient or the carrier) are the responsibility of the individual(s) under treatment.

The CLINIC makes every effort to accurately predict the cost of services before they are rendered, but the costs may vary depending on unforeseen circumstances and of complications of the treatment. The CLINIC reserves the right to change its charges and fees.

# Procedures

The procedures for intrauterine insemination and in vitro fertilization are discussed in their respective informed consent forms. Additional consent forms may need to be understood and signed.

# Risks

# The use of donor sperm carries with it the risk of sexually transmitted diseases including but not limited to gonorrhea, chlamydia, syphilis, herpes, hepatitis, and HIV/acquired immune deficiency syndrome (AIDS). The risk for infectious disease with the use of donor sperm is extremely small as the sperm donors are tested prior to giving the sperm specimens, and again after the sperm has been frozen and quarantined for 6 months. This allows for retesting for HIV and other infectious diseases before releasing the samples for use.

### Failure to Achieve Pregnancy

Your chance of achieving pregnancy with donor sperm is dependent upon whether you are undergoing unstimulated or stimulated insemination or in vitro fertilization and upon your age and infertility diagnosis. The most common reason for needing donor insemination is the absence of functional sperm. In most cases there is no reason to believe that the woman herself has a fertility problem. Because of this, it may not be necessary for you to undergo complete fertility testing before starting your cycle of treatment.

For women under age 35, about 15 to 20% of women will become pregnant in each cycle of treatment. We anticipate that half will achieve pregnancy within four cycles of donor insemination. . If you have undergone more than four cycles of insemination and have not yet conceived, you should make an appointment with your physician to discuss the possibility that you may have other conditions that are preventing a pregnancy. For example, if you have not had a test to make sure your fallopian tubes are open, your physician may recommend such a test at that time.

The chance of conception is dependent on the number of ovarian follicles that a woman produces. Medications can be used to increase the number of eggs that you produce (ovulate) in a cycle. More eggs will lead a greater chance of pregnancy. It can also increase the chances that you will have a multiple pregnancy.

# Pregnancy Risks

As with any pregnancy, miscarriage, ectopic pregnancy, stillbirth, multiple births, congenital abnormalities (birth defects) and/or genetic abnormalities may occur. Within the normal human population a certain percentage (approximately 4%) of children are born with physical or mental defects, and the occurrence of such defects is beyond the control of physicians.

Within the normal population, approximately 20% of pregnancies result in miscarriages in woman under age 35; this may occur after the use of donor sperm as well. Similarly, obstetrical complications may occur in any pregnancy.

# Informed Consent for Using Donor Sperm

1. Informed Consent

I/we have read the entire “Informed Consent for Using Donor Sperm” and have had the opportunity to ask any questions I/we might have about my participation. My/our consent to this procedure is purely voluntary. I/we may withdraw my consent at any time and my/our present or future care will not in any way be affected by this decision.

2. Risks and Benefits

In addition to reading this document, I/we have been advised of the risks and benefits of undergoing the procedures required and the possible alternatives thereto, as well as the risks and benefits of becoming pregnant. I/we have been advised to undergo psychological counseling regarding the process.

3. Confidentiality

Except as required by law, I/we have been assured that all information about me/us obtained during this treatment will be handled confidentially and neither my/our identity nor specific medical or psychological details will be revealed without my consent. I/we have been told that my/our name and address will be kept on, and that this, or any other information which would directly or indirectly identify me/us will not be disclosed or released to any person or entity without my/our written informed consent, except as permitted by law.

Reproductive tissue bank records shall be open to inspection as specified by law. Statistics concerning my/our treatment (without names or personal information) will be included in information that the CLINIC provides to the Society for Assisted Reproductive Technology and the Centers for Disease Control and Prevention if my therapy includes Assisted Reproductive Technologies. Any other use of information about my/our treatments or me/us would require my/our specific consent. Specific medical details may be revealed in professional publications as long as my/our identity is concealed.

4. Legal Concerns

I/we understand that the legal status of sperm donation is as yet uncertain and that there may be changes in the law, especially regarding anonymity, in the future. I have been advised, and have had the opportunity to, consult my own legal counsel. I have also had the opportunity to consult with a physician and psychologist/counselor.

The CLINIC may inform the sperm bank if a pregnancy results from the donation. This is important from the standpoint of giving the sperm bank information to prevent them from using the same donor too many times. The anonymity of the donor and recipient is maintained of course.

5. Risk of Injury

I/we have also been informed that should I/we suffer any physical injury as a result of my/our participation in this medical treatment, the necessary medical facilities are available. I/we cannot expect to receive any payment for hospital expenses or any financial compensation for such injury.

6. Voluntary Participation

I/we have read the entire Donor Sperm consent and have had the opportunity to ask any and all questions that I might have about my participation. I/we agree to use donor sperm under the conditions outlined above. My/our consent to this procedure is purely voluntary. I/we may withdraw consent at any time and my/our present or future care will not in any way be affected by my/our decision. I/we acknowledge receipt of a copy of this form. I/we understand that if I/we withdraw our consent of donor insemination, we have two options for sperm samples which may be in storage at the CLINIC: the samples may be transferred to another clinic or they may be discarded. I/we may be required to sign additional consents to exercise these options.

7. Understanding

I/we confirm that I have read this form, fully understand its contents, and that all blank spaces above have been completed prior to signing. In addition, I/we confirm that I/we have had the opportunity to ask any questions and that all of my questions have been answered to my/our satisfaction. I/we further agree that I/we am assuming entire responsibility for any child or children conceived or born. I/we agree that I/we will not seek support for the child or children, or any other payment from the donor, physicians or nurses associated with the CLINIC.

I/we therefore authorize the appropriate staff at the CLINIC to perform one or more artificial inseminations or in vitro fertilization cycles and embryo transfers with the sperm obtained from a donor for the purpose of conceiving.

My/our consent applies to any treatment cycle I/we undergo within the next 12 months. If I/we wish to undergo additional cycles after more than 12 months from now, I/we will have another informed consent discussion and sign again. If at any time during this period, I/we want another copy of this form it will be provided.

I request and consent to use of donor sperm in hopes of achieving a pregnancy.

*If signed out of the office:*

X

Intended Parent A Signature Date

Intended Parent A Name Date of Birth

**Notary Public**

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.

Notary Signature Date

-------------------------------------------------------------------------------------------------------------------------

X

Intended Parent B Signature Date

Intended Parent B Name Date of Birth

**Notary Public**

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.

Notary Signature Date

======================================================================================

*If signed in the office:*

**Statement by Witness (must be employee of Clinic and at least 18 years of age)**

I declare that the person who signed this document is personally known to me and appears to be of sound mind and acting of his or her own free will. He or she signed (or asked another to sign for him or her) this document in my presence.

Witness Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_