

# Specialists In Reproductive Medicine & Surgery, P.A.

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*Excellence, Experience & Ethics*



## Cryopreservation of Sperm In Conventional Surrogacy Procedures **Assisted Reproductive Technologies**

### General:

Specialists in Reproductive Medicine & Surgery, P.A., (SRMS), often cryopreserves sperm and stores the it for later use. Cryopreservation is a process wherein sperm are stored at very low temperatures so that they may eventually be thawed and used for conception. In this particular situation, the sperm is being cryopreserved for use in Conventional Surrogacy procedures.

As outlined in other materials provided by SRMS, it is up to the Commissioning Couple/Intended Parent and the conventional Surrogate (CS) to decide if fresh or cryopreserved sperm will be used in the Conventional Surrogacy procedures.

### Reasons for Cryopreservation:

It is common for sperm from the Commissioning Couple/Intended Parent to be cryopreserved. Cryopreserved sperm allows for the following:

1. The male providing the specimen does not have to be readily available when the specimen is needed.
2. The sperm can be transported from facility to facility without degradation.
3. The individual providing the sperm can be reexamined for potentially transmittable diseases minimizing the risks to the Conventional Surrogate (CS).

### How the Cryopreservation Procedure is Performed:

1. The first phase of the evaluation involves basic blood testing on the male. If potentially transmissible diseases are found in the blood, the semen specimen may not be able to be cryopreserved.
2. If the blood tests are negative, a semen specimen is collected and carefully analyzed
3. If the semen analysis is within the SRMS guidelines, we will then ask that a semen culture be performed.
4. If the culture comes back negative, a separate semen specimen will be obtained and cryopreserved in liquid nitrogen.

## Cryopreservation of Sperm In Conventional Surrogacy Procedures (*cont.*)

5. A small quality of sperm will be thawed and examined to determine the Cryo-Survival Factor. The CSF gives the laboratory an idea how many vials or straws will need to be thawed to provide enough sperm for a future Intra-Uterine Insemination (IUI).
6. It is recommended that at least two additional specimens will be obtained and cryopreserved.
7. The specimens will cry stored at SRMS although SRMS reserves the right to have the specimens sent to a distant facility for long-term storage.
8. After about six months of storage, the male who provided the sperm (and the partner, if one exists) will undergo repeat laboratory testing for transmissible diseases. Only with the second set of normal laboratory values will the sperm that was cryopreserved six months earlier will be thawed for use. Special arrangements between the CS and the Commissioning Couple/Intended Parent can certainly be made such that the sperm is inseminated before repeated laboratory testing.

### **How The Sperm Will Be Used Later:**

1. Semen will only be removed from storage upon the written authorization of the Commissioning Couple/Intended Parent.
2. Using ovulatory predictors (urine test kits) and confirmation blood tests and ultrasounds, the Conventional Surrogate's time of ovulation will be determined some of the cryopreserved sperm will be thawed into the uterus (intrauterine insemination/artificial insemination) of the CS.

### **Consequences of Using Frozen Sperm:**

Thousands of babies have been conceived through the use of cryopreserved sperm. The likelihood of a spontaneous pregnancy loss, stillbirth or an abnormal offspring is not increased when using this process. Healthy babies have been born from sperm stored longer than 20 years.

It should be noted, though, that the chance of becoming pregnant with the relatively healthy frozen sperm seems to range near 16-18% per month, depending upon the age of the CS and the quality of the thawed sperm. This is close to the normal pregnancy rate seen with fresh sperm in a young healthy couple.

The liquid nitrogen will slow but not stop the aging process of the sperm. This aging process will eventually lead to a loss of fertility potential. The aging process may be seen as early as three years, so the use of the sperm prior to this time is encouraged, although not required.

### **Legal Issues:**

There is no guarantee of future survival of cryopreserved sperm. Even if the sperm survive the freeze/thaw process, no guarantee is given regarding the capacity of the sperm to fertilize and result in a pregnancy.

SRMS reserves the right to withhold the transfer of the specimens if outstanding payments have not been paid. SRMS also reserves the right to dispose of the semen in the event of failure to pay within a reasonable period of time.

If SRMS is not notified of a change of address and the account is six months past due, SRMS may remove the semen from storage and destroy it. This may seem harsh, but the potential of storing hundreds of specimens for an indeterminate amount of time is concerning.

## Cryopreservation of Sperm In Conventional Surrogacy Procedures (*cont.*)

The offspring that are created after the death of a parent from cryopreserved sperm may or may not be entitled to inherit from the deceased parent's estate. This issue remains relatively untested in many States. It would appear that the following might assist some families in securing the inheritance and/entitlements (i.e., Social Security) of the potential future offspring:

1. It must be clear that the child that was created from cryopreserved sperm/eggs is related to the parent who passed away. DNA fingerprinting with a secure chain of evidence may assist in this and SRMS will assist in this process if specifically requested.
2. It needs to be established that the dead parent consented to the "posthumous" (after death) conception. This may need to be outlined in a Last Will & Testament or in some other document such as a consent and/or acknowledgment.
3. It is urged that the parent, before death, make it clear, in writing, if possible, that they want the child/children to be supported (i.e., inherit the estate).

It is clear that the above comments should not be misconstrued as legal advice. Upon request, we would be happy to refer you to a Southwest Florida Attorney, Harold S. Eskin, Esq., who is well versed in Florida reproductive law ([www.LegalSurrogacy.com](http://www.LegalSurrogacy.com)).

Updated: 11/28/2003

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