

ORGANS & TISSUES: AGREEMENTS BETWEEN MEDICAL EXAMINERS & TRANSPLANT ORGS

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House Bill 4938 (Substitute H-2)

Sponsor: Rep. Joe Hune

Committee: Health Policy

Complete to 6-28-05

A SUMMARY OF HOUSE BILL 4938 AS REPORTED FROM COMMITTEE 6-28-05

The bill would add a new section to the act that regulates county medical examiners (Public Act 181 of 1953) to require a medical examiner to enter into an agreement regarding the donation of organs and tissues with the federally designated organ procurement organization and the eye and tissue organization that coordinates the recovery and allocation of anatomical donations in that county. This would only apply if the medical examiner is contacted by one or both of the organizations.

The bill would:

- Require the M.E. to take charge of a body if a county M.E. or a designee received notification of a death requiring an investigation. (This would not apply if the notification was from a hospital representative.)
- Require the M.E. or designee to contact the state's federally designated organ procurement organization if, after viewing the body and inquiring into the cause and manner of death, it was determined that the body may be suitable for the donation of physical parts.
- Require each county M.E. to enter into an agreement with the organ procurement organization and the eye and tissue organization that coordinates the recovery and allocation of anatomical donations in that county. This would only apply if the M.E. was contacted by one or both of the organizations.
- Require the agreement to outline the procedures and protocols of each party to assure that transplantable organs, tissues, and eyes were obtained from potential donors.
- Specify that if there were any extraordinary medical examinations necessary prior to the removal of organs, tissues, or eyes that the organization (not the county) would have to cover those costs.
- Allow an M.E. or designee to release information to the organizations necessary to identify potential donors of organs, tissues, or eyes and seek consent for those donations in accordance with provisions of the Public Health Code.

- Prohibit an M.E. or designee from discussing the option of organ donation with any individual with the authority to make a gift under Section 10102 of the Public Health Code (a spouse, adult child, patient advocate, parent, sibling, etc.).

In addition, if an investigation of the cause and manner of death is required under the act, regardless of whether or not the death occurred in a hospital, and the M.E. or designee noticed that the individual was a donor, the autopsy would have to be conducted within a time period that would permit organs, tissues, and eyes to remain viable for transplant. If that cannot be done, a health care professional authorized to remove anatomical gifts from donors, upon notification to the M.E. or designee, could remove the donated tissues and/or organs so that the viability of the donations for transplant would be preserved.

If the M.E. or designee determined that a tissue or organ could be related to the cause of death, he or she could request to be present during the removal of the donated organs or request a biopsy of the donated organs.

MCL 52.209

FISCAL IMPACT:

The bill has minimal fiscal impact on state government and may have local government cost implications. The bill will add some complexity to the current procedure for a medical examiner to follow. The bill indicates that the county shall cover usual and customary procedures and the donation organization shall cover certain extraordinary costs.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.