

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1051

Short Title: Organ Donation/Procurement.

(Public)

Sponsors: Representatives Miller; Preston and Wainwright.

Referred to: Rules, Calendar and Operations of the House.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES
WITH RESPECT TO ORGAN PROCUREMENT AND DONATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-412.1 reads as rewritten:

"§ 130A-412.1. Duty of hospitals to establish organ procurement protocols.

(a) ~~In order to facilitate the goals of this Part, each hospital shall be required to establish written protocols for the identification of potential organ and tissue donors that:~~

(1) ~~Assure that the families of potential organ and tissue donors are made aware of the option of organ or tissue donation and their option to decline;~~

(2) ~~Encourage discretion and sensitivity with respect to the circumstances, views and beliefs of such families;~~

(3) ~~Require that only the organ procurement agency designated by the Secretary of Health and Human Services be notified of potential organ and tissue donors; and~~

(4) ~~Assure that procedures are established for identifying and consulting with holders of properly executed donor cards.~~

(b) ~~The family of any person whose organ or tissue is donated for transplantation shall not be financially liable for any costs related to the evaluation of the suitability of~~

1 ~~the donor's organ or tissue for transplantation or any costs of retrieval of the organ or~~
2 ~~tissue.~~

3 ~~(e) The requirements of this section, or of any hospital organ procurement~~
4 ~~protocols established pursuant to this section shall not exceed those provided for by the~~
5 ~~hospital organ protocol provisions of Title XI of the Social Security Act, except for the~~
6 ~~purposes of this section the term "organ and tissue donors" shall include cornea and tissue~~
7 ~~donors for transplantation.~~

8 (a) In order to facilitate the goals of this Part, each hospital shall establish written
9 protocols that:

10 (1) Require that only the organ procurement organization designated by the
11 Secretary of Health and Human Services be notified of all deaths or
12 impending brain deaths meeting criteria for notification as established
13 by the designated organ procurement organization; and

14 (2) Ensure that notification required under subdivision (1) of this subsection
15 is made as soon as it is determined that brain death is imminent or
16 cardiac arrest has occurred.

17 (b) Hospitals shall provide organ procurement organizations and applicable tissue
18 banks access to patient's medical records for the purpose of determining organ potential.

19 (c) The family of any person whose organ or tissue is donated for transplantation
20 shall not be financially liable for any costs related to the evaluation of the suitability of
21 the donor's organ or tissue for transplantation, or for any costs of retrieval of the organ or
22 tissue.

23 (d) Each hospital shall provide its federally designated organ procurement
24 organization with access to the medical records of deceased patients for the following
25 purposes:

26 (1) Determining the hospital's organ and tissue donation potential;

27 (2) Assessing the educational needs of the hospital in regard to the organ
28 and tissue donation process; and

29 (3) Providing documentation to the hospital to evaluate the effectiveness of
30 the hospital's efforts.

31 (e) Each hospital shall have a signed agreement with its federally designated organ
32 procurement organization that addresses the requirements of this section.

33 (f) The requirements of this section, or of any hospital procurement protocols
34 established pursuant to this section, shall not exceed those provided for by the hospital
35 organ protocol provisions of Title XI of the Social Security Act, except for the purposes
36 of this section the term 'organ and tissue donors' shall include cornea and tissue donors
37 for transplantation.

38 (g) Hospitals and hospital personnel shall not be subject to civil or criminal
39 liability nor to discipline for unprofessional conduct for actions taken in good faith to
40 comply with this section."

41 Section 2. Chapter 130A is amended by adding the following new section to
42 read:

1 "§ 130A-412.2. Duty of designated organ procurement organizations and tissue
2 banks.

3 (a) After notification regarding an impending brain death, brain death, or cardiac
4 death has been made to the designated organ procurement organization, the organ
5 procurement organization or applicable tissue bank shall evaluate donation potential.

6 (b) The designated organ procurement organization or applicable tissue bank shall
7 encourage discretion and sensitivity with respect to the circumstances, views, and beliefs
8 of the families of potential organ and tissue donors.

9 (c) The designated organ procurement organization or applicable tissue bank shall
10 assure that families of potential organ and tissue donors are made aware of the option of
11 organ and tissue donation and their option to decline.

12 (d) The designated organ procurement organization or applicable tissue bank shall
13 request consent for organ or tissue donation in the order of priority established under G.S.
14 130A-404(b) and shall have designated, trained staff available to perform the consent
15 process 24 hours a day, 365 days a year.

16 (e) All hospital and patient information, interview, reports, statements,
17 memoranda, and other data obtained or created by a tissue bank or federally designated
18 organ procurement organization from the medical records review described in G.S.
19 130A-412.1(d) shall be privileged and confidential and may be used by the tissue bank or
20 organ procurement organization only for the purposes set forth in G.S. 130A-412.1(d)
21 and shall not be admissible as evidence or discoverable in an action of any kind before a
22 court or administrative agency."

23 Section 3. This act becomes effective October 1, 1997.