J1 (5lr0439)

ENROLLED BILL

-- Health and Government Operations/Finance --

Introduced by Delegates Bobo, Moe, Pendergrass, Quinter, F. Turner, and Vaughn, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Goldwater, Hammen, Hubbard, Hurson, Kach, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Rudolph, V. Turner, and Weldon

	Read and Examined by Proofreaders:	
		Proofreader.
Sealed with the Great Seal and present day of at	ented to the Governor, for his approval this	Proofreader.
at at	O CIOCK,IVI.	Speaker.
	CHAPTER 382	з реакет.
AN ACT concerning		

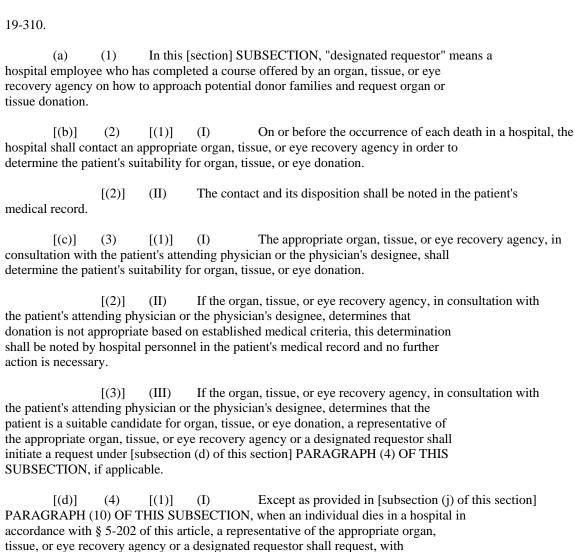
Hospitals - Bone Marrow Donation

FOR the purpose of requiring a <u>certain</u> hospital to allow an individual to donate bone marrow to any individual under certain circumstances; and generally relating to hospitals and the donation of bone marrow.

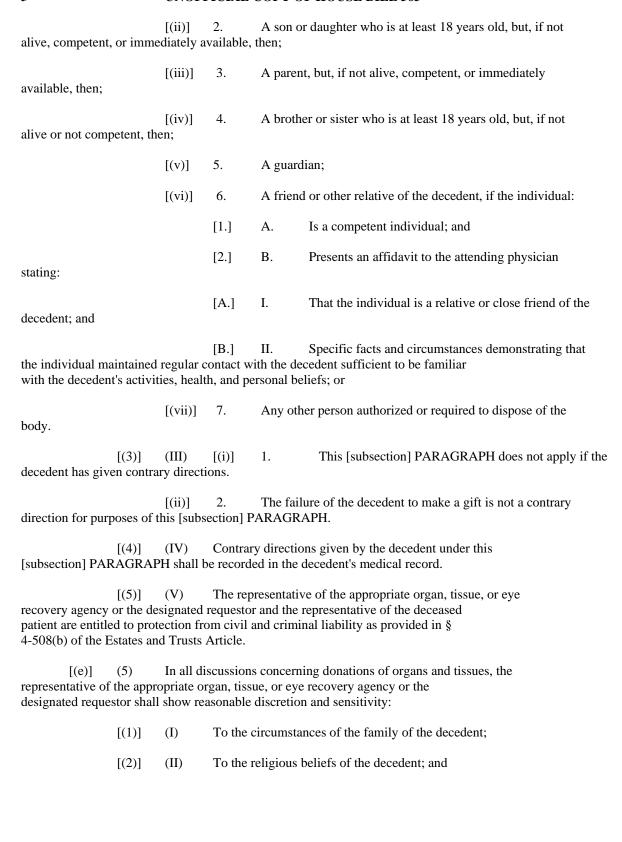
BY repealing and reenacting, with amendments,

Article - Health - General Section 19-310 Annotated Code of Maryland (2000 Replacement Volume and 2004 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - General



- accordance with § 5-202 of this article, a representative of the appropriate organ, tissue, or eye recovery agency or a designated requestor shall request, with sensitivity, in the order of stated priority, that the individual's representative consent to the donation of all or any of the decedent's organs or tissues as an anatomical donation if suitable.
- [(2)] (II) For the purposes of [paragraph (1) of this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH, the representative of the deceased individual is 1 of the following individuals listed in the following order of priority:
 - [(i)] 1. A spouse, but, if not alive or not competent, then;



decedent.

[(3)]

(III)

To the nonsuitability for organ or tissue donation of the

- [(f)] (6) [(1)] (i) When a representative of the appropriate organ, tissue, or eye recovery agency or a designated requestor makes a request under [subsection (d)(1) of this section] PARAGRAPH (4)(I) OF THIS SUBSECTION, the representative or designated requestor shall document the request and its disposition by having the appropriate individual described in [subsection (d)(2) of this section] PARAGRAPH (4)(II) OF THIS SUBSECTION sign a consent form or give a witnessed telegraphic, witnessed telephonic, or recorded consent to the donation.
- [(2)] (II) Hospital personnel shall note the request and its disposition in the decedent's medical record or death certificate.
- [(g)] (7) A hospital may not bill the estate of the decedent, a surviving spouse of the decedent, any heirs of the decedent, or an insurer of the decedent for the costs associated with the removal of all or any of the decedent's organs or tissues for the purpose of an anatomical donation.
- [(h)] (8) After consultation with the Maryland Hospital Association, Inc., the Medical and Chirurgical Faculty of the State of Maryland, the Transplant Resource Center of Maryland, Inc., the Washington Regional Transplant Consortium, the Medical Eye Bank of Maryland, the Lions of District 22-C Eye Bank and Research Foundation, Incorporated, the Health Facilities Association of Maryland, and Tissue Banks International, the Secretary shall publish guidelines designed to implement this [section] SUBSECTION, including guidelines:
- [(1)] (I) Requiring that, at or near the time of each individual death in a hospital, the hospital contact by telephone an appropriate organ, tissue, or eye recovery agency to determine the suitability of the individual for organ, tissue, and eye donation;
- [(2)] (II) Requiring that each hospital designate a person to make the contact; and
- [(3)] (III) Identifying the information that the person designated by the hospital shall have available before making the contact.
- [(i)] (9) The provisions of this [section] SUBSECTION shall in no way interfere with the duties of the office of the Chief Medical Examiner. In sudden deaths under the jurisdiction of the office of the Chief Medical Examiner as provided in § 5-309 of this article, notification will be made to the office of the Chief Medical Examiner prior to organ removal.
- [(j)] (10) The consent of the decedent's representative is not necessary and the provisions of [subsection (d) of this section] PARAGRAPH (4) OF THIS SUBSECTION do not apply if:
- [(1)] (I) The decedent's driver's license or identification card contains a notation that the decedent is an organ donor; or

- [(2)] (II) The decedent has consented to the gift of all or any part of the decedent's body in accordance with the provisions of:
 - [(i)] 1. § 5-604.1 of this article; or
 - [(ii)] 2. Title 4, Subtitle 5 of the Estates and Trusts Article.
- [(k)] (11) A person who acts in good faith to recover organs or tissues in accordance with a notation on the decedent's driver's license or identification card that the decedent is an organ donor, a gift made in accordance with § 5-604.1 of this article or Title 4, Subtitle 5 of the Estates and Trusts Article, or a gift made in accordance with the anatomical gift laws of another state or country is immune from criminal prosecution and liability for damages in any cause of action related to the recovery and donation of the decedent's organs or tissues.
- [(1)] (12) The Department shall conduct annual death record reviews at each hospital to determine the hospital's compliance with the provisions of this [section] SUBSECTION. The Department may delegate its duty to conduct annual death record reviews to the appropriate organ, tissue, or eye recovery agency serving the region in which a particular hospital is located.
- (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOSPITAL <u>OFFERING BONE MARROW TRANSPLANT SERVICES</u> SHALL ALLOW AN INDIVIDUAL TO DONATE BONE MARROW TO ANY INDIVIDUAL.
- (2) AN INDIVIDUAL MAY DONATE BONE MARROW TO ANOTHER INDIVIDUAL IF A LICENSED PHYSICIAN DETERMINES, BASED ON THE PHYSICIAN'S MEDICAL JUDGMENT, THAT THE DONATION OF THE BONE MARROW IS IN THE BEST INTERESTS OF THE DONOR AND DONEE DONEE AND THERE IS NO SUBSTANTIAL RISK OF MEDICAL INJURY TO THE DONOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.