

Article - Estates and Trusts

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§4–518.

(a) OCME and procurement organizations shall cooperate with each other to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

(b) If OCME receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body or part is under the jurisdiction of OCME and a postmortem examination is going to be performed, unless OCME denies recovery in accordance with § 4–519 of this subtitle, OCME or OCME’s designee shall conduct the postmortem examination of the body or part in a manner and within a period compatible with its preservation for the purposes of the gift.

(c) (1) A part may not be removed from the body of a decedent under the jurisdiction of OCME for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift or an authorization given by OCME in accordance with subsection (d) of this section.

(2) The body of a decedent under the jurisdiction of OCME may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or an authorization given by OCME in accordance with subsection (d) of this section.

(3) This subsection does not preclude OCME from performing a postmortem examination of the body or part of a decedent under the jurisdiction of OCME for the purposes of education, training, and research required by OCME.

(d) (1) The Chief Medical Examiner, the deputy chief medical examiner, or an assistant medical examiner may provide a part on the request of a procurement organization under the following conditions:

(i) The medical examiner has charge of a decedent who may provide a suitable part for transplant;

(ii) A reasonable, unsuccessful search has been made by the procurement organization as required by § 4–512(f) of this subtitle to contact the persons authorized under § 4–507 of this subtitle to make an anatomical gift;

(iii) No objection by the persons authorized under § 4–507 of this subtitle to make an anatomical gift is known by the medical examiner; and

(iv) The provision of the part for transplant will not interfere with the subsequent course of an investigation or autopsy.

(2) (i) If the Chief Medical Examiner has obtained a written or verbal statement from the procurement organization that a reasonable, unsuccessful search was conducted prior to the removal of a part for transplantation, the Chief Medical Examiner, the deputy chief medical examiner, an assistant chief medical examiner, and the procurement organization are not civilly liable if a person authorized under § 4–507 of this subtitle to make an anatomical gift is subsequently located and contends that the authorization of that person was required to make the gift.

(ii) A verbal statement under subparagraph (1) of this paragraph shall be documented in the medical record of the decedent.

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