

HOUSE BILL No. 5302

November 15, 1989, Introduced by Reps. Bandstra, Bennane, Middaugh, Stacey, Crandall, Krause, Gubow, Rocca, Fitzgerald, Law, Dolan, Bankes, Emmons, Willis Bullard and Brown and referred to the Committee on Public Health.

A bill to amend section 10102a of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as added by Act No. 186 of the Public Acts of 1986, being section 333.10102a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10102a of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 186 of the Public Acts of 1986,
3 being section 333.10102a of the Michigan Compiled Laws, is
4 amended to read as follows:

5 Sec. 10102a. (1) Subject to section 10102(3) and subsec-
6 tions (2) to (7), the person designated pursuant to subsection
7 (7) shall, at or near the death of a patient whose body,
8 according to accepted medical standards, is suitable for donation
9 or for the donation of ORGANS AND OTHER physical parts, request 1

1 of the persons listed in section 10102(2), in the order of
2 priority stated, to consent to the gift of ~~all~~ THE DECEDENT'S
3 ENTIRE BODY or ~~any~~ AN ORGAN OR OTHER physical part of the
4 decedent's body.

5 (2) The person designated pursuant to subsection (7) shall
6 not make a request for consent pursuant to subsection (1) if 1 or
7 more of the following conditions exist:

8 (a) The person designated pursuant to subsection (7) has
9 actual notice of contrary indications by the patient or
10 decedent.

11 (b) The person designated pursuant to subsection (7) has
12 actual notice of opposition by a person listed in section
13 10102(2), unless a person in a prior class under that section is
14 available for a request to be made.

15 (c) The person designated pursuant to subsection (7) has
16 knowledge that ~~the~~ A gift of all or a physical part of ~~a~~ THE
17 DECEDENT'S body ~~is~~ WOULD BE contrary to the religious beliefs
18 of the decedent.

19 (3) Each hospital shall maintain a hospital organ donation
20 log sheet on a form provided by the department. The organ dona-
21 tion log sheet shall include all of the following information:

22 (a) The name and age of the patient or decedent for whom a
23 request is made pursuant to this section.

24 (B) A LIST OF PATIENTS OR DECEDENTS WHO WERE NOT CONSIDERED
25 SUITABLE FOR DONATION, AND THE REASONS THEY WERE NOT SO
26 CONSIDERED.

1 (C) ~~(b)~~ A list of patients or decedents for whom a request
2 was not made ~~pursuant to this section~~ DUE TO THE EXISTENCE OF 1
3 OR MORE OF THE CONDITIONS SET FORTH IN SUBSECTION (2) and the
4 reason for not making the request. ~~, as set forth in subsection~~
5 ~~(2).~~

6 ~~(c) An indication that a request for consent to a gift of~~
7 ~~all or a physical part of a body has been made.~~

8 (d) An indication of whether or not consent was granted.

9 (e) If consent was granted, an indication of which physical
10 parts of the body were donated, or whether the entire body was
11 donated.

12 (f) The name and signature of the person making the
13 request.

14 (G) IF A PATIENT IS BRAIN DEAD, WHETHER OR NOT THE HOSPITAL
15 CONTACTED A CERTIFIED ORGAN PROCUREMENT ORGANIZATION. AS USED IN
16 THIS SUBDIVISION, "BRAIN DEAD" MEANS THAT IN THE ANNOUNCED OPIN-
17 ION OF A PHYSICIAN, BASED ON ORDINARY STANDARDS OF MEDICAL PRAC-
18 TICE IN THE COMMUNITY, THERE HAS BEEN AN IRREVERSIBLE CESSATION
19 OF SPONTANEOUS BRAIN FUNCTIONS IN A PATIENT WHO IS BEING MAIN-
20 TAINED BY ARTIFICIAL MEANS.

21 (4) After making a request for a gift pursuant to subsection
22 (1), the person designated pursuant to subsection (7) shall com-
23 plete the hospital's organ donation log sheet.

24 (5) A summary of the information contained in the organ
25 donation log sheets annually shall be transmitted by each hospi-
26 tal to the department. UPON WRITTEN REQUEST, THE DEPARTMENT
27 SHALL MAKE COPIES OF THE SUMMARIES AVAILABLE TO A CERTIFIED ORGAN

1 PROCUREMENT ORGANIZATION. The summary shall include all of the
2 following:

3 (a) The number of deaths.

4 (B) THE NUMBER OF DEATHS FOR WHICH NO REQUEST WAS MADE DUE
5 TO THE EXISTENCE OF 1 OR MORE OF THE CONDITIONS SET FORTH IN SUB-
6 SECTION (2).

7 (C) THE NUMBER OF DEATHS FOR WHICH NO REQUEST WAS MADE FOR
8 REASONS OTHER THAN THOSE SPECIFIED IN SUBDIVISION (B).

9 (D) ~~(b)~~ The number of requests made.

10 (E) ~~(c)~~ The number of consents granted.

11 (F) ~~(d)~~ The number of bodies or physical parts ~~donated~~
12 FOR WHICH CONSENT FOR DONATION WAS OBTAINED in each category as
13 specified on the organ donation log sheet.

14 (6) A gift made pursuant to a request required by this sec-
15 tion shall be executed pursuant to this part.

16 (7) The chief executive officer of each hospital shall
17 develop and implement a policy regarding requests made pursuant
18 to this section. The policy shall provide, at a minimum, for all
19 of the following:

20 (a) The designation of persons who shall make requests under
21 this section.

22 (b) That if a patient's religious preference is known, a
23 clergy of that denomination shall, if possible, be made available
24 upon request to the persons to whom a request under this section
25 is made.

26 (c) The development of a support system ~~which~~ THAT
27 facilitates the making of requests under this section.

1 (d) The maintenance of the organ donation log sheet required
2 ~~by subsection (3)~~ UNDER THIS SECTION.

3 (E) ACCESS TO THE ORGAN DONATION LOG SHEET BY A CERTIFIED
4 ORGAN PROCUREMENT ORGANIZATION.

5 (8) The director may promulgate rules to establish minimum
6 training standards for persons required to make requests pursuant
7 to this section and to revise the organ donation log sheet
8 required ~~by subsection (3)~~ UNDER THIS SECTION.

9 (9) This section ~~shall~~ DOES not ~~be construed to~~ autho-
10 rize the withdrawal or withholding of medical care for a patient
11 who is a possible donor and who is near death.