

HOUSE BILL No. 4348

February 27, 2001, Introduced by Reps. Stallworth and Lemmons and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10102a (MCL 333.10102a), as added by 1986 PA 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10102a. (1) Subject to section 10102(3) and subsec-
2 tions (2) to (7), the person designated pursuant to subsection
3 (7) shall, at or near the death of a patient whose body, accord-
4 ing to accepted medical standards, is suitable for donation or
5 for the donation of physical parts, request 1 of the persons
6 listed in section 10102(2), in the order of priority stated, to
7 consent to the gift of all or any physical part of the decedent's
8 body.

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

4 (a) The person designated pursuant to subsection (7) has
5 actual notice of contrary indications by the patient or
6 decedent.

7 (b) The person designated pursuant to subsection (7) has
8 actual notice of opposition by a person listed in section
9 10102(2) unless a person in a prior class under that section is
10 available for a request to be made.

11 (c) The person designated pursuant to subsection (7) has
12 knowledge that the gift of all or a physical part of a body is
13 contrary to the religious beliefs of the decedent.

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

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

19 (b) A list of patients or decedents for whom a request was
20 not made pursuant to this section and the reason for not making
21 the request, as set forth in subsection (2).

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

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

25 (e) If consent was granted, an indication of which physical
26 parts of the body were donated, or whether the entire body was
27 donated.

1 (f) The name and signature of the person making the
2 request.

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

6 (5) A summary of the information contained in the organ
7 donation log sheets annually shall be transmitted by each hospi-
8 tal to the department OF CONSUMER AND INDUSTRY SERVICES. The
9 summary shall include all of the following:

10 (a) The number of deaths.

11 (b) The number of requests made.

12 (c) The number of consents granted.

13 (d) The number of bodies or physical parts donated in each
14 category as specified on the organ donation log sheet.

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

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

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

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

1 (c) The development of a support system which facilitates
2 the making of requests under this section.

3 (d) The maintenance of the organ donation log sheet required
4 by subsection (3).

5 (8) A HOSPITAL MAY ENTER INTO A CONTRACT WITH 1 OR MORE
6 INDIVIDUALS, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE LICENSED
7 ATTORNEYS OR CERTIFIED PUBLIC ACCOUNTANTS TO EXPLAIN THE BENEFITS
8 OF ORGAN DONATION TO POTENTIAL DONORS, AND TO ASSIST THE PERSON
9 DESIGNATED PURSUANT TO SUBSECTION (7) IN OBTAINING CONSENT TO
10 ORGAN DONATION ON A DOCUMENT OF GIFT THAT MEETS THE REQUIREMENTS
11 OF SECTION 10104. A HOSPITAL THAT ENTERS INTO A CONTRACT UNDER
12 THIS SUBSECTION SHALL COMPLY WITH ALL CONDITIONS OF PARTICIPATION
13 IN MEDICARE, INCLUDING THOSE CONDITIONS RELATED TO THE TRAINING
14 OF DESIGNATED REQUESTERS. AS USED IN THIS SUBSECTION, "MEDICARE"
15 MEANS THAT TERM AS DEFINED IN SECTION 17745A.

16 (9) ~~(8)~~ The director may promulgate rules to establish
17 minimum training standards for persons required to make requests
18 pursuant to this section and to revise the organ donation log
19 sheet required by subsection (3).

20 (10) ~~(9)~~ This section ~~shall~~ DOES not ~~be construed to~~
21 authorize the withdrawal or withholding of medical care for a
22 patient who is a possible donor and who is near death.