

HB

214

ALASKA STATE LEGISLATURE

Session
State Capitol Building, Room 118
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim
716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249

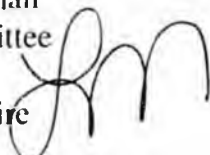
REPRESENTATIVE LESIL MCGUIRE
HOUSE DISTRICT 28

Chair
Judiciary Committee

Member
House Leadership
Rules Committee
Health, Education
& Social Services
Committee
Oil & Gas Committee
Military & Veterans'
Affairs Committee

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs Committee

From: Representative Lesil McGuire 

Date: April 14, 2005

Re: Request for Hearing. CSHB 214(HES): Anatomical Gifts

I respectfully request that CSHB 214(HES), "An Act relating to anatomical gifts and the anatomical gift donor registry program," be scheduled for a hearing at your earliest convenience. I have attached the following for your information:

1. Sponsor Statement
2. CSHB 214(HES)
3. Sectional Analysis
4. Fiscal Notes
5. Applicable Statutes and Federal Regulations
6. Relevant Articles

If you have any questions please feel free to contact me personally, or my staff, Vanessa Tondini, at 4990. Thank you very much.

ALASKA STATE LEGISLATURE

Session

State Capitol Building, Room 118
Juneau, Alaska 99801-1182
Phone (907) 465-2995
Fax (907) 465-6592

Interim

716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
Phone (907) 269-0250
Fax (907) 269-0249

REPRESENTATIVE LESLIE MCGUIRE HOUSE DISTRICT 28

Chair
Judiciary Committee

Member
House Leadership
Rules Committee
Health, Education
& Social Services
Committee

Oil & Gas Committee
Military & Veterans'
Affairs Committee

Sponsor Statement CSHB 214(HES)

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

Last year the Alaska Legislature passed the Anatomical Gifts Registry Bill, which created an official organ donor registry program at the Department of Motor Vehicles. Through this program an organ donor's wishes are kept on record in a central database and are transferred to Life Alaska Donor Services, the state's organ & tissue donor program. This information allows Life Alaska to quickly match the donor's gift to a potential recipient, saving time and lives.

CSHB 214(HES) makes several simple but important changes to existing law to further the intent of the original enabling legislation and to continue to move the donor registry forward in the State of Alaska. This bill works to make the Alaska Donor Registry program inclusive rather than exclusive, offers expanded definitions that act to clarify the agencies that are responsible for donation within the state as well as for the people who are trained to do the actual recovery procedures, allows increased notification for greater donation potential, and clears up inconsistencies between federal rulings and state laws.

When the Anatomical Gifts Registry Bill was submitted for consideration and subsequently passed into law in the 2004 legislative session, it was done so with the clear intent that the donor registry be operated from within the State of Alaska and not controlled by an out-of-state agency. However, as the law now reads, an out-of-state organ procurement organization has sole control of the registry, excluding the in-state procurement organization. CSHB 214(HES) would change AS 13.50 to be inclusive rather than exclusive allowing access to both in-state and out-of-state procurement organizations. The current definition of "procurement organization" within AS 13.50.190 and the definition of "organ procurement organization" within AS 13.52.390 are defined as the "organization designated by the United States Department of Health and Human Services..." This definition is restricted to the regional organ procurement organization only. While it is important to have the regional organ procurement organization represented in the state, it is equally important that the in-state procurement organization not be excluded from donation and donation decisions that benefit all Alaskans. CSHB 214(HES) will change the definitions within both sections to be more inclusive of all procurement organizations and allow them to function equally for the good of donation throughout Alaska.

Also, the current definition of "technician" within AS 13.52.390 is too restrictive and not in line with the laws of any other state. Recognized technicians throughout the state who recover tissues have never been licensed or certified by the State Medical Board. In fact, the State Medical Board does not have a process to license or certify technicians to procure tissues. The FDA, which regulates the tissue procurement agencies, defines a technician under 21 CFR 1271.170 for recovery personnel only by "requir[ing] establishments to employ sufficient personnel with the necessary education, experience, and training to ensure competent performance of their assigned functions." CSHB 214(HES) will change the definition of technician to more closely reflect the good tissue practices set out by the federal government.

In addition, AS 13.52.200(e) currently only addresses notification to the hospital. CSHB 214(HES) would expand notification by allowing for law enforcement officers, fire fighters, paramedics, or other emergency rescuer personnel to contact a procurement organization directly. This would allow timely notification on non-hospital deaths to increase the potential of donation within the state.

Finally, there are two paragraphs within AS 13.52 that will be repealed in CSHB 214(HES); the first being AS 13.52.200(b). This is in direct contradiction to 42 CFR 482.45, which requires the hospital to notify a procurement organization that will determine suitability of donation on *all* deaths or *imminent* deaths. The second is AS 13.52.200(c). This is burdensome to the hospital and is duplicating efforts that are already being done.

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 214(HES)

1 Page 2, line 18, following "hospital":

2 Insert "a rural clinic, a mortuary, a hospice,"

3

4 Page 2, line 30, following "hospital":

5 Insert "rural clinic, mortuary, or hospice"

6

7 Page 3, line 1:

8 Delete "is a donor, the hospital"

9 Insert "rural clinic, mortuary, or hospice is a donor, the hospital, rural clinic,
10 mortuary, or hospice"

11

12 Page 3, line 2, following "hospital":

13 Insert "rural clinic, mortuary, or hospice"

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 214(HES)

- 1 Page 2, line 28, following "section":
- 2 Insert "or a designee of the persons identified in (d)(1) of this section"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, ALASKA 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 24, 2005

SUBJECT: Sectional Summary of HB 214 relating to anatomical gifts and the anatomical gift donor registry program
(Work Order No. 24-LS0410\F)

TO: Representative Lesil McGuire
Attn: Vanessa

FROM: *JB* Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Defines "procurement organization" for the donor registry program.

Section 2. Adds definitions of "donor," "gift," and "part" for the donor registry program.

Section 3. Deletes a reference to AS 13.52.200 to reflect the repeal of AS 13.52.200(c) by sec. 11 of the bill.

Section 4. Makes conforming amendments to reflect the change in terminology to "procurement organization."

Section 5. Makes conforming amendments to reflect the change in terminology to "procurement organization."

Section 6. If an individual or body is taken to a hospital, and if a document of gift or evidence of refusal to make a gift is located under AS 13.52.200(d)(1), this subsection requires the hospital and a procurement organization to be notified of the contents of the document of gift or the evidence of refusal. If the individual or body is not taken to a hospital, requires certain persons (those identified in AS 13.52.200(d)(1)) to notify a procurement organization and send the document or evidence to the procurement organization.

Section 7. Makes a conforming amendment to reflect the change in terminology to "procurement organization."

Representative Lesil McGuire

March 24, 2005

Page 2

Section 8. Makes a conforming change to reflect the repeal of AS 13.52.200(b) and (c) by sec. 11 of the bill.

Section 9. Defines "procurement organization" for AS 13.52.200.

Section 10. Amends the definition of "technician" for AS 13.52 to mean an individual who has the education, training, and experience necessary to competently remove or process a part.

Section 11. Repeals a provision stating that a hospital administrator (or a designee) is not required to contact an organ procurement organization if an anatomical gift is not suitable for donation. Repeals a provision requiring that an entry be made in a patient's record relating to the discussion by a representative of an organ procurement organization with the family, agent, or surrogate of the patient. Repeals the definition of "organ procurement organization."

If I may be of further assistance, please advise.

TLB:med
05-211.med

Sec. 13.50.190. Definitions.

In AS 13.50.100_ - 13.50.190,

(1) "department" means the Department of Administration;

(2) "donation" means a monetary donation made under AS 13.50.150_;

(3) "fund" means the anatomical gift awareness fund established under AS 13.50.160_;

(4) "motor vehicle or identification document" means

(A) a motor vehicle registration, a driver's license, or an instruction permit, or a renewal of the registration, license, or permit; or

(B) an identification card issued under AS 18.65.310_;

(5) "procurement organization" means an organization that has been designated by the United States Department of Health and Human Services to coordinate activities for the procurement of body parts for any portion of this state;

(6) "reasonable costs" includes the cost of

(A) computer programming and installing software and software upgrades;

(B) employee training that is specific to a registry or the donation program established under AS 13.50.150_;

(C) producing literature that is specific to a registry or the donation program established under AS 13.50.150_; and

(D) making hardware upgrades or handling other issues for a registry or the donation program established under AS 13.50.150_;

(7) "registry" means a donor registry established under AS 13.50.110_;

(8) "registry information" means information obtained under AS 13.50.100_;

(9) "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Sec. 13.52.200. Routine inquiry and required request; search and notification.

(a) If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a designee of the hospital shall contact an organ procurement organization so that the organ procurement organization may discuss the potential to make a gift with the family, agent, or surrogate of the patient. The organ procurement organization shall discuss the potential gift with reasonable discretion and sensitivity to the circumstances of the family.

(b) Notwithstanding (a) of this section, a hospital administrator or other designee of the hospital is not required to contact an organ procurement organization if the gift is not suitable, based on accepted medical standards, for a purpose specified in AS 13.52.210.

(c) An entry shall be made in the medical record of the patient, stating the name and affiliation of the individual from the organ procurement organization who discusses the potential gift with the family, agent, or surrogate under (a) of this section, and the relationship to the patient of the family member, agent, or surrogate with whom the potential gift was discussed.

(d) The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift:

(1) a law enforcement officer, fire fighter, paramedic, or other emergency rescuer finding an individual who the searcher believes is dead or near death; and

(2) a hospital or an organ procurement organization, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of that information.

(e) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by (d)(1) of this section, and the individual or body to whom it relates is taken to a hospital, the hospital must be notified of the contents, and the document or other evidence must be sent to the hospital.

(f) If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made under AS 13.52.170 or 13.52.180(a), or that a patient or an individual identified as in transit to the hospital is a donor, the hospital shall notify an organ procurement organization. The hospital shall cooperate in the implementation of the anatomical gift or release and removal of a part.

(g) Notwithstanding AS 13.52.090, a person who fails to discharge the duties imposed by this section is not subject to criminal or civil liability but is subject to appropriate administrative sanctions.

(h) The commissioner of health and social services shall adopt regulations to implement (a) - (c) of this section.

1 of 1 DOCUMENT

LEXIS PUBLISHING'S CODE OF FEDERAL REGULATIONS
Copyright © 2005, LEXIS Publishing

*** THIS SECTION IS CURRENT THROUGH THE MARCH 17, 2005 ISSUE OF ***
*** THE FEDERAL REGISTER ***

TITLE 21 -- FOOD AND DRUGS
CHAPTER I -- FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES
SUBCHAPTER L -- REGULATIONS UNDER CERTAIN OTHER ACTS ADMINISTERED BY THE FOOD AND DRUG ADMINISTRATION
PART 1271 -- HUMAN CELLS, TISSUES, AND CELLULAR AND TISSUE-BASED PRODUCTS
SUBPART D -- CURRENT GOOD TISSUE PRACTICE [EFFECTIVE MAY 25, 2005.]

21 CFR 1271.170

§ 1271.170 Personnel. [Effective May 25, 2005.]

[PUBLISHER'S NOTE: This section was added at 69 FR 68612, 68683, Nov. 24, 2004, effective May 25, 2005.]

(a) General. You must have personnel sufficient to ensure compliance with the requirements of this part.

(b) Competent performance of functions. You must have personnel with the necessary education, experience, and training to ensure competent performance of their assigned functions. Personnel must perform only those activities for which they are qualified and authorized.

(c) Training. You must train all personnel, and retrain as necessary, to perform their assigned responsibilities adequately.

HISTORY: [69 FR 68612, 68683, Nov. 24, 2004]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART :
42 U.S.C. 216, 243, 264, 271.

NOTES: [EFFECTIVE DATE NOTE: 69 FR 68612, 68683, Nov. 24, 2004, added Subpart D, effective May 25, 2005.]

NOTES APPLICABLE TO ENTIRE TITLE:

Cross References: Food Safety and Inspection Services, Department of Agriculture: See Meat and Poultry Inspection, 9 CFR CHAPTER III.

Federal Trade Commission: See Commercial Practices, 16 CFR chapter I.

U.S. Customs Service, Department of the Treasury: See Customs Duties, 19 CFR chapter I.

Internal Revenue Service, Department of the Treasury: See Internal Revenue, 26 CFR chapter I.

Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury: See Alcohol, Tobacco Production and Firearms, 27 CFR chapter I.

NOTES APPLICABLE TO ENTIRE CHAPTER:

[EDITORIAL NOTE: For nomenclature changes to chapter I see 59 FR 14366, Mar. 28, 1994.]

[PUBLISHER'S NOTE: For the uniform compliance date for food labeling regulations under Chapter I, see 61 FR 67710, Dec. 24, 1996; 61 FR 68145, Dec. 27, 1996; 62 FR 49881, Sept. 23, 1997.]

NOTES APPLICABLE TO ENTIRE PART :

[PUBLISHER'S NOTE: The authority citation for Part 1271 was revised at 69 FR 29786, 29829, May 25, 2004, effective May 25, 2005. For the convenience of the user, the authority citation effective May 25, 2005, has been set out below:

42 U.S.C. 216, 243, 263a, 264, 271.]

111 words



Homepage | Alaska News | Alaska Weather | Alaska Sports | Alaska Videos | Alaska Real Estate | Home Improvement | A
2 Your Health | 2 on Your Side | Assignment Alaska | The Bottom Line | Market View | Spirit of Youth | What's Cookin'?



New bill could save thousands of Alaskan lives

June 15, 2004 - by Joy Mapaye

Search

Mor

A w
coul
awa

10-1
Idit

Hos
hon

And
pari

Can
Amc



H:
vac

Anchorage, Alaska - Gov. Frank Murkowski is scheduled to sign House Bill 337 into law Wednesday. The bill would create an official organ donor registry at the Department of Motor Vehicles, and it is just one way organ donation in Alaska is getting easier.

At Alaska's Department of Motor Vehicles, an organ donor's wish will now be on record. Currently the department doesn't keep records of those who sign up to become organ and tissue donors, but House Bill 337 will change that, allowing the DMV to transfer an organ donor's wishes to Life Alaska.

"We're very excited that Governor Murkowski is due to sign that into legislation," said Brenda Stewart of Life Alaska donor services.

Stewart says the new registry would allow Life Alaska to quickly match the donor's gift to a potential recipient, saving time and lives.

According to the Joint Commission on Accreditation of Healthcare Organizations, more than 85,000 Americans are on the waiting list for life-saving transplants, and more than 6,000 people who are awaiting a transplant die each year.

The group says it has now begun a major initiative to break down barriers that limit donations, including cultural ones. At Life Alaska, however, that process is well underway with a special partnership at the Alaska Native Medical Center.

"The relationship with Life Alaska has been one that has developed or evolved over years," said Phyllis Goodwin, the director of critical care services at the Alaska Native Medical Center.

Goodwin said that in 1991, when she first arrived at the Alaska Native Medical Center, they didn't do organ donations. But over the years it began working on education campaigns with Life Alaska to help the community and help boost Alaska Native donors.

"We've seen our donation numbers increase over time," Goodwin said.

Goodwin says educational campaigns as well as a growing public awareness on organ and tissue donation are helping. Life Alaska agrees and says one person can make a big difference.

Life Alaska says aside from its educational outreach, it works to help families through the grieving process, and during this time the focus is on those who need help.

"It's less about a background or a culture of a person and more about reaching out to people in need," Stewart said. "And if that's done in a caring and sensitive way, then it empowers people to make that decision that's right for them."

It's a decision Life Alaska says education, awareness and the new registry at the DMV are all helping people make.

Becoming part of the registry is optional. The new law will go into effect 90 days after the governor signs the bill.

Related articles:



EMAIL ARTICLE



PRINT ARTICLE



Copyrights: 2004 Channel 2 Broadcasting Inc. 701 East Tudor Road, Suite# 220 Anchorage AK, 99503-7488 Phone (907) 762-9202 Fax (907) 561-1111



Homepage | Alaska News | Alaska Weather | Alaska Sports | Alaska Videos | Alaska Real Estate | Home Improvement | A
2 Your Health | 2 on Your Side | Assignment Alaska | The Bottom Line | Market View | Spirit of Youth | What's Cookin'?

Life Alaska moves donor registry forward

Sunday, March 13, 2005 - by Joy Mapaya

Anchorage, Alaska - Last year, Life Alaska made a plea to state lawmakers to create a computerized central registry for organ donors.

In June 2004, the registry became a reality with the signing of House Bill 337. The registry would include a new computerized driver's license which allows the Department of Motor Vehicles to enter a donor's information into a central computer system.

By June 2004, roughly 60,000 donors were in the Life Alaska registry. When the first DMV numbers were uploaded this number jumped to 80,000.



Search

Mor
Sen
ANY
Oil
see
Tea
'sho
16 I
Non
Sck
Idlt



Today, there are about 170,000 donors listed according to the DMV. The registry grows by 200 to 300 names every day.

Life Alaska says it remembers all those who have helped others in a celebration service held each year. Denise Och is one of those at the event. Och lost her son, Nathanael, in an accident about two years ago. The family made the decision to donate his organs and tissues.

Hi
vac

"We knew his character. We knew the kind of person that he was, and so the decision that we made as a family was based on what we thought he would want and we've never regretted it," said Och (right).



"For years we've had donor cards and other means but the electronic registry allows one by the Internet to check a name instantly. Is this person on the registry? And so we're able to in every case know in Alaska if a person is on the registry," said Bruce Zalneraitis of Life Alaska donor services.



Life Alaska says the direct impact here is the cut down in waiting time, which can mean the difference between life and death. Prior to the change, about 10 to 15 names of people who passed away would appear in the registry every year. Now, five to 10 names appear each week.

Life Alaska says about 25 other states have some form of electronic registry but the group says this number is changing as new laws go into effect.

 EMAIL ARTICLE  PRINT ARTICLE

Related articles:

- **State bill tries to record organ donors (March 14, 2004)**
Representatives of Alaska's Organ Procurement Program thanked 100 donor families who gathered together Sunday. With the help of the families, the lives of the 80 Alaskans who were at the meeting have been saved.
- **New bill could save thousands of Alaskan lives (June 15, 2004)**
Gov. Frank Murkowski is scheduled to sign House Bill 337 into law Wednesday. The bill would create an official organ donor registry at the Department of Motor Vehicles, and it is just one way organ donation in Alaska is getting easier.



Copyright © 2004 Channel 2 Broadcasting Inc. 701 East Tudor Road, Suite # 210 Anchorage, AK 99503 7488 Phone (907) 762-9202 Fax (907) 561-1111