

*Substituted for S.F. 2170 as amended
3/26/96 (p. 1034)*

FEB 28 1996
Place On Calendar

HOUSE FILE **2400**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 540)

Passed House, Date ^(p. 509) 3/4/96 Passed Senate, Date 3/26/96 (p. 1035)
Vote: Ayes 70 Nays 27 Vote: Ayes 45 Nays 3
Approved April 2, 1996

A BILL FOR

1 An Act relating to anatomical gifts including the use of
2 confidential information and the authority of a medical
3 examiner to release and permit the removal of a body part in
4 certain instances for the purposes of making an anatomical
5 gift.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2400

1 Section 1. NEW SECTION. 142C.4A AUTHORITY OF MEDICAL
2 EXAMINER -- RELEASE AND REMOVAL OF PART FOR MAKING OF
3 ANATOMICAL GIFT.

4 1. A medical examiner may permit the removal of a part
5 from a body in the custody of the medical examiner and may
6 release the part for any purpose authorized pursuant to
7 section 142C.5 if the body of the decedent cannot be
8 identified or if the next of kin of the decedent cannot be
9 located, and if all of the following conditions are met:

10 a. The medical examiner has received a request for the
11 part from a hospital, physician, organ procurement
12 organization, or bank or storage organization.

13 b. Given the useful life of the specific part, the medical
14 examiner is satisfied that a reasonable effort has been made
15 by the organ procurement organization or bank or storage
16 organization to locate and examine the decedent's medical
17 records and to inform a person specified in section 142C.4 of
18 the option to make or object to the making of an anatomical
19 gift.

20 c. The medical examiner does not know of a refusal or
21 contrary indication by the decedent or of an objection by a
22 person having priority to act pursuant to section 142C.4
23 regarding the making of an anatomical gift.

24 d. The medical examiner does not know that the decedent,
25 at the time of death, was a member of a religion, church,
26 sect, or denomination which relies solely upon prayer for the
27 healing of disease or which has religious tenets that would be
28 violated by the disposition of the decedent's body or part for
29 any of the purposes provided pursuant to section 142C.5.

30 e. Removal of a part will be performed by a physician,
31 technician, or enucleator.

32 f. Removal of a part will not significantly alter or
33 compromise the results of any autopsy or investigation.

34 g. Removal of a part will be in accordance with accepted
35 medical standards.

1 h. Cosmetic restoration will be performed, if appropriate.

2 i. The person's death is not a death which affects the
3 public interest as defined in section 331.802, or if the death
4 is a death which affects the public interest, any
5 investigation relating to the decedent's death has been
6 completed.

7 2. The medical examiner releasing and permitting the
8 removal of a part shall maintain a permanent record of all of
9 the following:

10 a. The name of the decedent, if available.

11 b. The date and time of the release of the body or part
12 and the name of the person to whom the body or part was
13 released.

14 Sec. 2. Section 142C.7, Code Supplement 1995, is amended
15 to read as follows:

16 142C.7 CONFIDENTIAL INFORMATION.

17 A hospital, licensed or certified health care professional,
18 pursuant to chapter 148, 148C, 150A, or 152, or medical
19 examiner may release patient information to an organ
20 procurement organization, or bank or storage organization as
21 part of a referral or evaluation retrospective review of the
22 patient as a potential donor. Any information regarding a
23 patient, including the patient's identity, however,
24 constitutes confidential medical information and under any
25 other circumstances is prohibited from disclosure without the
26 written consent of the patient or the patient's legal
27 representative.

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EXPLANATION

29 This bill authorizes a medical examiner to release and
30 permit the removal of a part from a body in the custody of the
31 medical examiner for the purposes of the making of an
32 anatomical gift if the decedent cannot be identified or if the
33 next of kin of the decedent cannot be located and if several
34 other conditions are met, including that a request has been
35 made for the part, efforts have been made to inform a person

1 who has authority to make an anatomical gift, no refusal or
2 contrary indication has been made by the decedent or a person
3 with authority to refuse the making of an anatomical gift, no
4 religious affiliation or tenet to which the decedent
5 subscribed precludes the making of the anatomical gift, the
6 removal will be made under specified conditions, and the death
7 is not a death which affects the public interest or if it is a
8 death which affects the public interest, any related
9 investigation has been completed. If the medical examiner
10 releases and permits removal of a part the medical examiner is
11 to maintain a permanent record of the name of the decedent, if
12 available, the date and time of the release and the person to
13 whom the release was made, and the parts which were removed.

14 The bill also amends language relating to release of
15 information to organ procurement organizations or bank or
16 storage organizations to provide for release as part of a
17 retrospective review of a patient as a potential donor.

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Blodgett, Chr
Schulte
Harper
Myer
Veenstra

HSB 540
HUMAN RESOURCES
Succeeded By
SF/HF 2400

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON DAGGETT)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the authority of a medical examiner to release
2 and permit the removal of a body part in certain instances for
3 the purposes of making an anatomical gift.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 142C.4A AUTHORITY OF MEDICAL
2 EXAMINER -- RELEASE AND REMOVAL OF PART FOR MAKING OF
3 ANATOMICAL GIFT.

4 1. A medical examiner may permit the removal of a part
5 from a body in the custody of the medical examiner and may
6 release the part for any purpose authorized pursuant to
7 section 142C.5 if the body of the decedent cannot be
8 identified or if the next of kin of the decedent cannot be
9 located, and if all of the following conditions are met:

10 a. The medical examiner has received a request for the
11 part from a hospital, physician, organ procurement
12 organization, or bank or storage organization.

13 b. Given the useful life of the specific part, the medical
14 examiner is satisfied that a reasonable effort has been made
15 by the organ procurement organization or bank or storage
16 organization to locate and examine the decedent's medical
17 records and to inform a person specified in section 142C.4 of
18 the option to make or object to the making of an anatomical
19 gift.

20 c. The medical examiner does not know of a refusal or
21 contrary indication by the decedent or of an objection by a
22 person having priority to act pursuant to section 142C.4
23 regarding the making of an anatomical gift.

24 d. The medical examiner does not know that the decedent,
25 at the time of death, was a member of a religion, church,
26 sect, or denomination which relies solely upon prayer for the
27 healing of disease or which has religious tenets that would be
28 violated by the disposition of the decedent's body or part for
29 any of the purposes provided pursuant to section 142C.5.

30 e. Removal of a part will be performed by a physician,
31 technician, or enucleator.

32 f. Removal of a part will not significantly alter or
33 compromise the results of any autopsy or investigation.

34 g. Removal of a part will be in accordance with accepted
35 medical standards.

1 h. Cosmetic restoration will be performed, if appropriate.

2 i. The person's death is not a death which affects the
3 public interest as defined in section 331.802, or if the death
4 is a death which affects the public interest, any
5 investigation relating to the decedent's death has been
6 completed.

7 2. The medical examiner releasing and permitting the
8 removal of a part shall maintain a permanent record of all of
9 the following:

10 a. The name of the decedent.

11 b. The date and time of the release of the body or part
12 and the name of the person to whom the body or part was
13 released.

14 EXPLANATION

15 This bill authorizes a medical examiner to release and
16 permit the removal of a part from a body in the custody of the
17 medical examiner for the purposes of the making of an
18 anatomical gift if the decedent cannot be identified or if the
19 next of kin of the decedent cannot be located and if several
20 other conditions are met, including that a request has been
21 made for the part, efforts have been made to inform a person
22 who has authority to make an anatomical gift, no refusal or
23 contrary indication has been made by the decedent or a person
24 with authority to refuse the making of an anatomical gift, no
25 religious affiliation or tenet to which the decedent
26 subscribed precludes the making of the anatomical gift, the
27 removal will be made under specified conditions, and the death
28 is not a death which affects the public interest or if it is a
29 death which affects the public interest, any related
30 investigation has been completed. If the medical examiner
31 releases and permits removal of a part the medical examiner is
32 to maintain a permanent record of the name of the decedent,
33 the date and time of the release and the person to whom the
34 release was made, and the parts which were removed.

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HOUSE FILE 2400

AN ACT

RELATING TO ANATOMICAL GIFTS INCLUDING THE USE OF CONFIDENTIAL INFORMATION AND THE AUTHORITY OF A MEDICAL EXAMINER TO RELEASE AND PERMIT THE REMOVAL OF A BODY PART IN CERTAIN INSTANCES FOR THE PURPOSES OF MAKING AN ANATOMICAL GIFT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. **NEW SECTION. 142C.4A AUTHORITY OF MEDICAL EXAMINER -- RELEASE AND REMOVAL OF PART FOR MAKING OF ANATOMICAL GIFT.**

1. A medical examiner may permit the removal of a part from a body in the custody of the medical examiner and may release the part for any purpose authorized pursuant to section 142C.5 if the body of the decedent cannot be identified or if the next of kin of the decedent cannot be located, and if all of the following conditions are met:

a. The medical examiner has received a request for the part from a hospital, physician, organ procurement organization, or bank or storage organization.

b. Given the useful life of the specific part, the medical examiner is satisfied that a reasonable effort has been made by the organ procurement organization or bank or storage organization to locate and examine the decedent's medical records and to inform a person specified in section 142C.4 of the option to make or object to the making of an anatomical gift.

c. The medical examiner does not know of a refusal or contrary indication by the decedent or of an objection by a person having priority to act pursuant to section 142C.4 regarding the making of an anatomical gift.

d. The medical examiner does not know that the decedent, at the time of death, was a member of a religion, church,

sect, or denomination which relies solely upon prayer for the healing of disease or which has religious tenets that would be violated by the disposition of the decedent's body or part for any of the purposes provided pursuant to section 142C.5.

e. Removal of a part will be performed by a physician, technician, or enucleator.

f. Removal of a part will not significantly alter or compromise the results of any autopsy or investigation.

g. Removal of a part will be in accordance with accepted medical standards.

h. Cosmetic restoration will be performed, if appropriate.

i. The person's death is not a death which affects the public interest as defined in section 331.802, or if the death is a death which affects the public interest, any investigation relating to the decedent's death has been completed.

2. The medical examiner releasing and permitting the removal of a part shall maintain a permanent record of all of the following:

a. The name of the decedent, if available.

b. The date and time of the release of the body or part and the name of the person to whom the body or part was released.

Sec. 2. Section 142C.7, Code Supplement 1995, is amended to read as follows:

142C.7 CONFIDENTIAL INFORMATION.

A hospital, licensed or certified health care professional, pursuant to chapter 148, 148C, 150A, or 152, or medical examiner may release patient information to an organ procurement organization, or bank or storage organization as part of a referral or evaluation retrospective review of the patient as a potential donor. Any information regarding a patient, including the patient's identity, however, constitutes confidential medical information and under any other circumstances is prohibited from disclosure without the

written consent of the patient or the patient's legal representative.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2400, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 2, 1996

TERRY E. BRANSTAD
Governor