Substituted by HF 2400
3/26/96 (p. 1034)

WITHDRAWN

FILED FEB 9 1996

SENATE FILE 2170
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2080)

Passed Senate, Date _____ Passed House, 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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S.F. 2170

TLSB 3656SV 76
pf/sc/14

S.F. 2170 H.F. _____

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.
35

SENATE FILE 2170

S-5059

1 Amend Senate File 2170 as follows:
2 1. Page 2, by striking lines 7 through 13 and
3 inserting the following:
4 "2. The medical examiner releasing and permitting
5 the removal of a body or part shall maintain a
6 permanent record of the date and time of the release
7 of the body or part and the name of the person to whom
8 the body or part was released. Additionally, if the
9 name of the decedent is known at the time that the
10 release of the body or part is made or if the name of
11 the decedent subsequently becomes known, the medical
12 examiner shall include the name of the decedent in the
13 permanent record."

By NANCY BOETTGER

S-5059 FILED FEBRUARY 14, 1996

O/O 3/26/96 (p. 1034)

SENATE FILE 2170

S-5146

1 Amend Senate File 2170 as follows:
2 1. Page 2, by inserting after line 13 the
3 following:
4 "Sec. ___. Section 142C.7, Code Supplement 1995,
5 is amended to read as follows:
6 142C.7 CONFIDENTIAL INFORMATION.
7 A hospital, licensed or certified health care
8 professional, pursuant to chapter 148, 148C, 150A, or
9 152, or medical examiner may release patient
10 information to an organ procurement organization, or
11 bank or storage organization as part of a referral or
12 ~~evaluation~~ retrospective review of the patient as a
13 potential donor. Any information regarding a patient,
14 including the patient's identity, however, constitutes
15 confidential medical information and under any other
16 circumstances is prohibited from disclosure without
17 the written consent of the patient or the patient's
18 legal representative."
19 2. Title page, line 1, by inserting after the
20 words "relating to" the following: "anatomical gifts
21 including the use of confidential information and".
22 3. By renumbering as necessary.

By NANCY BOETTGER

S-5146 FILED FEBRUARY 28, 1996

O/O 3/26/96 (p. 1034)

SENATE FILE 2170

S-5220

1 Amend Senate File 2170 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 142C.4A AUTHORITY OF
5 MEDICAL EXAMINER -- RELEASE AND REMOVAL OF PART FOR
6 MAKING OF ANATOMICAL GIFT.
7 1. A medical examiner may permit the removal of a
8 part from a body in the custody of the medical
9 examiner and may release the part for any purpose
10 authorized pursuant to section 142C.5 if the body of
11 the decedent cannot be identified or if the next of
12 kin of the decedent cannot be located, and if all of
13 the following conditions are met:
14 a. The medical examiner has received a request for
15 the part from a hospital, physician, organ procurement
16 organization, or bank or storage organization.
17 b. Given the useful life of the specific part, the
18 medical examiner is satisfied that a reasonable effort
19 has been made by the organ procurement organization or
20 bank or storage organization to locate and examine the
21 decedent's medical records and to inform a person
22 specified in section 142C.4 of the option to make or
23 object to the making of an anatomical gift.
24 c. The medical examiner does not know of a refusal
25 or contrary indication by the decedent or of an
26 objection by a person having priority to act pursuant
27 to section 142C.4 regarding the making of an
28 anatomical gift.
29 d. The medical examiner does not know that the
30 decedent, at the time of death, was a member of a
31 religion, church, sect, or denomination which relies
32 solely upon prayer for the healing of disease or which
33 has religious tenets that would be violated by the
34 disposition of the decedent's body or part for any of
35 the purposes provided pursuant to section 142C.5.
36 e. Removal of a part will be performed by a
37 physician, technician, or enucleator.
38 f. Removal of a part will not significantly alter
39 or compromise the results of any autopsy or
40 investigation.
41 g. Removal of a part will be in accordance with
42 accepted medical standards.
43 h. Cosmetic restoration will be performed, if
44 appropriate.
45 i. The person's death is not a death which affects
46 the public interest as defined in section 331.802, or
47 if the death is a death which affects the public
48 interest, any investigation relating to the decedent's
49 death has been completed.
50 2. The medical examiner releasing and permitting

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Page 2

1 the removal of a part shall maintain a permanent
2 record of all of the following:
3 a. The name of the decedent, if available.
4 b. The date and time of the release of the body or
5 part and the name of the person to whom the body or
6 part was released.
7 Sec. 2. Section 142C.7, Code Supplement 1995, is
8 amended to read as follows:
9 142C.7 CONFIDENTIAL INFORMATION.
10 A hospital, licensed or certified health care
11 professional, pursuant to chapter 148, 148C, 150A, or
12 152, or medical examiner may release patient
13 information to an organ procurement organization, or
14 bank or storage organization as part of a referral or
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16 potential donor. Any information regarding a patient,
17 including the patient's identity, however, constitutes
18 confidential medical information and under any other
19 circumstances is prohibited from disclosure without
20 the written consent of the patient or the patient's
21 legal representative."
22 2. Title page, line 1, by inserting after the
23 words "relating to" the following: "anatomical gifts
24 including the use of confidential information and".

By NANCY BOETTGER

S-5220 FILED MARCH 6, 1996

Adopted 3/26/96 (p. 1034)

Szymoniak
Duorsky
Boettger

SSB-2080
Human Resources

SENATE FILE SF/HF 2170
BY (PROPOSED COMMITTEE ON HUMAN RESOURCES BILL BY CHAIRPERSON SZYMONIAK)

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

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TLSB 3656SC 76
pf/sc/14

S.F. _____ H.F. _____

Succeeded By

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