

SECTION 22. COOPERATION BETWEEN [CORONER] [MEDICAL EXAMINER] AND
PROCUREMENT ORGANIZATION.

(a) A [coroner] [medical examiner] shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

(b) If a [coroner] [medical examiner] receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the [coroner] [medical examiner] and a post-mortem examination is going to be performed, unless the [coroner] [medical examiner] denies recovery in accordance with Section 23, the [coroner] [medical examiner] or designee shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

(c) A part may not be removed from the body of a decedent under the jurisdiction of a [coroner] [medical examiner] for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift. The body of a decedent under the jurisdiction of the [coroner] [medical examiner] may not be delivered to a person for research or education unless the body is the subject of an anatomical gift. This subsection does not preclude a [coroner] [medical examiner] from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the [coroner] [medical examiner].

Comment

This section includes a number of provisions designed to allow for the cooperation of procurement organizations and [coroners] [medical examiners] in obtaining bodies and parts that

otherwise are the subject of an anatomical gift. Unlike prior law, this section does not empower [coroners] [medical examiners] to make an anatomical gift of the body or parts of a decedent. However, and although quite rare, if the [coroner] [medical examiner] is the person with authority to dispose of the decedent's body and has the priority to make a gift under Section 9, the [coroner] [medical examiner] could make an anatomical gift under Section 10.

SECTION 23. FACILITATION OF ANATOMICAL GIFT FROM DECEDENT

WHOSE BODY IS UNDER JURISDICTION OF [CORONER] [MEDICAL EXAMINER].

(a) Upon request of a procurement organization, a [coroner] [medical examiner] shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the [coroner] [medical examiner]. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the [coroner] [medical examiner] shall release post-mortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the post-mortem examination results or other information received from the [coroner] [medical examiner] only if relevant to transplantation or therapy.

(b) The [coroner] [medical examiner] may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the [coroner] [medical examiner] which the [coroner] [medical examiner] determines may be relevant to the investigation.

(c) A person that has any information requested by a [coroner] [medical examiner] pursuant to subsection (b) shall provide that information as expeditiously as possible to allow the [coroner] [medical examiner] to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the [coroner] [medical examiner] and a post-mortem examination is not required, or the [coroner] [medical examiner] determines that a post-mortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the [coroner] [medical examiner] and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the [coroner] [medical examiner] has been or might be made, but the [coroner] [medical examiner] initially believes that the recovery of the part could interfere with the post-mortem investigation into the decedent's cause or manner of death, the [coroner] [medical examiner] shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the [coroner] [medical examiner] may allow the recovery.

(f) Following the consultation under subsection (e), in the absence of mutually agreed-upon protocols to resolve conflict between the [coroner] [medical examiner] and the procurement organization, if the [coroner] [medical examiner] intends to deny recovery, the [coroner] [medical examiner] or designee, at the request of the procurement organization, shall attend the removal procedure for the part before making a final determination not to allow the procurement organization to recover the part. During the removal procedure, the [coroner] [medical examiner] or designee may allow recovery by the procurement organization to proceed, or, if the [coroner] [medical examiner] or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

(g) If the [coroner] [medical examiner] or designee denies recovery under subsection (f), the [coroner] [medical examiner] or designee shall:

(1) explain in a record the specific reasons for not allowing recovery of the part;

(2) include the specific reasons in the records of the [coroner] [medical examiner];

and

(3) provide a record with the specific reasons to the procurement organization.

(h) If the [coroner] [medical examiner] or designee allows recovery of a part under subsection (d), (e), or (f), the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the [coroner] [medical examiner] with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the post-mortem examination.

(i) If a [coroner] [medical examiner] or designee is required to be present at a removal procedure under subsection (f), upon request the procurement organization requesting the recovery of the part shall reimburse the [coroner] [medical examiner] or designee for the additional costs incurred in complying with subsection (f).