

AMENDMENTS TO SENATE BILL NO. 180 (As amended by A06502)

Sponsor: REPRESENTATIVE PETRARCA

Printer's No. 1532

1 Amend Bill, page 3, lines 2 through 14 (A06502), by striking
2 out all of said lines and inserting

3 Amend Bill, page 115, lines 22 through 30; page 116, lines 1
4 through 29; by striking out all of said lines on said pages and
5 inserting

6 § 8626. Facilitation of anatomical gift from decedent whose
7 death is under investigation.

8 (a) Applicability of section.--This section shall apply in
9 all cases when the coroner or medical examiner must determine
10 the cause of death and whether the death may have resulted from
11 criminal acts or criminal neglect.

12 (b) Protocol.--

13 (1) Coordination shall be as follows:

14 (i) Upon identification of a prospective donor, the
15 designated organ procurement organization shall, within a
16 reasonable time, notify the coroner or medical examiner
17 of the county in which the prospective donor is located.

18 (ii) Upon notification under subparagraph (i), a
19 coroner or medical examiner intending to investigate the
20 death of a prospective donor shall, to the extent
21 applicable and reasonable under the circumstances:

22 (A) Notify the coroner or medical examiner of
23 the county in which the cause precipitating the death
24 of the prospective donor is believed to have
25 occurred, and the coroner or medical examiner shall
26 notify the district attorney of the county in
27 accordance with internal county protocols.

28 (B) Notify the applicable organ procurement
29 organization of any change in jurisdiction.

30 (iii) An organ procurement organization shall in all
31 cases cooperate with the coroner or medical examiner in
32 order to facilitate the preservation and collection of
33 forensic evidence. An organ procurement organization
34 shall not move or cause to be moved a prospective donor
35 without authorization of the coroner or medical examiner
36 having jurisdiction. Upon request, an organ procurement
37 organization shall provide or assist the coroner or

1 medical examiner in obtaining:

2 (A) Medical records.

3 (B) Photographs.

4 (C) Specimens, including blood and tissue.

5 (D) Laboratory and diagnostic test results.

6 (E) Any other available information.

7 (iv) If applicable, the coroner or medical examiner
8 shall timely notify the organ procurement organization of
9 any additional requests from the coroner, medical
10 examiner or district attorney of the county where the
11 cause of death is believed to have occurred, including
12 scheduling the recovery procedure to permit attendance of
13 the organ procurement organization where the scheduling
14 can be done in a time frame consistent with facilitating
15 anatomical donation.

16 (v) Notwithstanding the provisions of 18 Pa.C.S. Ch.
17 91 (relating to criminal history record information), a
18 coroner or medical examiner shall, upon request, release
19 to the organ procurement organization the name, contact
20 information and available medical and social history of a
21 decedent whose death is under investigation. The
22 information provided under this subparagraph shall be
23 exempt from the act of February 14, 2008 (P.L.6, No.3),
24 known as the Right-to-Know Law.

25 (2) If a coroner or medical examiner has jurisdiction in
26 the case of a prospective organ donor, the coroner or medical
27 examiner shall have the final authority to disallow an
28 anatomical gift and the following shall apply:

29 (i) Where a prospective donor or their next of kin
30 has authorized a donation via a will, advanced medical
31 directive, driver's license designation or other legal
32 means, if the coroner or medical examiner is considering
33 denying recovery of one or more organs intended for
34 transplant or therapy, the coroner or medical examiner
35 shall notify the applicable organ procurement
36 organization.

37 (ii) The coroner or medical examiner and the
38 applicable organ procurement organization shall seek to
39 agree to limitations to the donation that address the
40 investigative needs of the coroner or medical examiner.

41 (iii) If the coroner or medical examiner is
42 considering a complete denial of all organs intended for
43 transplant or therapy, the following shall apply:

44 (A) The coroner, medical examiner or a qualified
45 designee, such as a forensic pathologist, shall
46 attend a meeting at the hospital coordinated by the
47 organ procurement organization with the appropriate
48 clinical team members made available by the organ
49 procurement organization to review the case and
50 available testing and diagnostic information.

51 (B) The organ procurement organization shall use

1 the organization's best efforts to schedule the
2 meeting under clause (A) at the time reasonably
3 requested by the coroner or medical examiner.

4 (C) If after reviewing the case, the coroner or
5 medical examiner or a designee of the coroner or
6 medical examiner in attendance still intends to make
7 a complete denial of recovery, the coroner or medical
8 examiner or the designee of the coroner or medical
9 examiner shall attend the recovery procedure to
10 visualize the organs before withholding organs
11 intended for transplant or therapy.

12 (D) The coroner, medical examiner or the
13 designee of the coroner or medical examiner in
14 attendance may deny removal of an organ only based on
15 accepted forensic standards related to the
16 determination of the cause, manner and mechanism of
17 death of the donor and the impact of organ removal on
18 the donor.

19 (E) If the coroner, medical examiner or the
20 designee of the coroner or medical examiner denies
21 removal of an organ, the coroner or medical examiner
22 shall provide the designated organ procurement
23 organization a written explanation of the reason for
24 determining that the removal of the organ may
25 interfere with or impede the investigation of the
26 cause, manner and mechanism of death. Information
27 provided under this clause shall be exempt from the
28 Right-to-Know Law.

29 (F) Removal of an organ may not occur if the
30 coroner or medical examiner or the designee of the
31 coroner or medical examiner has denied removal of
32 that organ in accordance with this section.

33 (G) The applicable organ procurement
34 organization shall reimburse the coroner or medical
35 examiner for the reasonable costs of attendance at
36 the recovery procedure.

37 (3) If requested by the coroner, medical examiner or
38 district attorney, the physician recovering an organ under
39 this section shall provide a report and, if necessary, be
40 available to provide testimony in any proceeding, detailing
41 the condition of the organ and the recovery procedure.
42 Reasonable costs associated with a physician or technician
43 providing testimony under this section shall be paid by the
44 designated organ procurement organization. A report prepared
45 under this subsection shall be exempt from the Right-to-Know
46 Law.

47 (4) The requirements of this section shall be performed
48 in a manner and time frame consistent with anatomical
49 donation.