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HOUSE BILL 530

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO ORGAN DONATION; PROVIDING INFORMATION TO FAMILIES
OF POTENTIAL DONORS ABOUT OPTIONS TO DONATE OR TO DECLINE TO
DONATE; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-6A-9.1 NMSA 1978 (being Laws 2000,
Chapter 54, Section 7) is amended to read:

"24-6A-9.1. IDENTIFICATION OF POTENTIAL DONORS. --

A. Each hospital in New Mexico, with the
concurrence of its medical staff, shall develop by July 1, 2000
a protocol for identifying potential donors. The protocol
shall be developed in collaboration with a procurement
organization. The protocol shall provide that at or near the
time of a patient's death and prior to the removal of life
support, the hospital shall contact a procurement organization

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1 to determine the suitability of the patient as a donor. The
2 person designated by the hospital to contact the procurement
3 organization shall have the following information available
4 prior to making the contact:

- 5 (1) the patient's identifier number;
- 6 (2) the patient's age;
- 7 (3) the cause of death; and
- 8 (4) any past medical history available.

9 B. The procurement organization shall determine the
10 suitability for donation. If the procurement organization
11 determines that donation is not appropriate based on
12 established medical criteria, that determination shall be noted
13 by hospital personnel on the patient's record and no further
14 action is necessary.

15 C. If the procurement organization determines that
16 the patient is a suitable candidate for donation, the
17 procurement organization shall initiate donor proceedings by
18 making a reasonable search for a document of gift or other
19 information identifying the patient as a donor or as [~~an~~
20 ~~individual~~] a person who has refused to make an anatomical
21 gift.

22 D. The hospital must have and implement written
23 protocols that:

- 24 (1) incorporate an agreement with a
25 procurement organization under which the hospital must notify,

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1 in a timely manner, the procurement organization or a third
2 party designated by the procurement organization of patients
3 whose deaths are imminent and prior to the removal of life
4 support from a patient who has died in the hospital;

5 (2) ensure that the retrieval, processing,
6 preservation, storage and distribution of tissues and eyes does
7 not interfere with vascular organ procurement;

8 (3) provide respectful and sensitive posted
9 notices that inform families of potential donors of the options
10 to donate organs, tissues or eyes or to decline to donate;

11 [~~(3) ensure that~~] (4) provide the family of
12 each potential donor [~~is informed of its~~] with written
13 information of the family's options to donate organs, tissues
14 or eyes or to decline to donate. The person designated by the
15 hospital to initiate the request to the family [~~must~~] shall be
16 an organ procurement organization employee or a designated
17 requester;

18 [~~(4)~~] (5) encourage discretion and sensitivity
19 with respect to the circumstances, views and beliefs of the
20 families of potential donors; and

21 [~~(5)~~] (6) ensure that the hospital works
22 cooperatively with the procurement organization in educating
23 hospital staff on donation issues, reviewing death records to
24 improve identification of potential donors and maintaining
25 potential donors while necessary testing and placement of

1 anatomical gifts take place.

2 E. Every hospital in the state shall establish a
3 committee to develop and implement its organ and tissue
4 donation policy and procedure to assist its staff in
5 identifying and evaluating terminal patients who may be
6 suitable organ or tissue donors. The committee shall include
7 members of the administrative, medical and nursing staffs and
8 shall appoint a member to act as a liaison between the hospital
9 and the state procurement organization. "

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