S T A T E O F N E W Y O R K

1748

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. GUNTHER -- Multi-Sponsored by -- M. of A. ORTIZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the creation of a state-wide database of all donations of tissue or non-transplant organs procured by an organ procurement organization or a procurement organization

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 4369 to read as follows:

S 4369. STATE-WIDE DATABASE OF DONATIONS OF TISSUE OR NON-TRANSPLANT ORGANS. 1. THE DEPARTMENT SHALL ESTABLISH A STATE-WIDE DATABASE OF ALL DONATIONS OF TISSUE OR NON-TRANSPLANT ORGANS PROCURED BY AN ORGAN PROCUREMENT ORGANIZATION OR A PROCUREMENT ORGANIZATION. SUCH DATA SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE DONOR'S FULL NAME, ADDRESS AT THE TIME OF DONATION, IDENTIFICATION CODE, DATE OF BIRTH OR AGE AND DATE AND TIME OF DEATH, IF A CADAVERIC DONOR;

(B) DOCUMENTATION OF EVALUATION OF PHYSICAL CONDITION, OF CADAVERIC DONOR;

(C) COMPLETE MEDICAL HISTORY OF THE DONOR, INCLUDING BUT NOT LIMITED TO, ANY TESTING OR MEDICAL RECORDS INDICATING A COMMUNICABLE DISEASE OR CANCER, AUTOPSY REPORTS, DONATION QUESTIONNAIRES AND OTHER DONOR SOLICITATION MATERIALS;

(D) DOCUMENTATION OF INFORMED CONSENT OR CONSENT OF THE PERSON AUTHORIZED BY LAW TO CONSENT TO THE DONATION;

(E) DATE AND TIME OF THE COLLECTION, WHERE THE PROCUREMENT OCCURRED AND THE DESCRIPTION AND QUANTITY OF THE TISSUE COLLECTED;

(F) NAME AND ADDRESS OF THE RECIPIENT OF THE TISSUE OR ORGAN; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(G) THE OUTCOME OF THE TRANSPLANTATION, TRANSFER AND IMPLEMENTATION PROCEDURES, AND ANY REPORTS WHICH WOULD AFFECT THE DONOR'S ACCEPTABILITY.

2. THE INFORMATION REQUIRED TO BE KEPT IN THIS DATABASE SHALL IN NO WAY PREEMPT THE RECORDING REQUIREMENTS DESCRIBED IN THE NEW YORK CODES, RULES AND REGULATIONS TITLE 10 SECTION 52-2.9. THE INFORMATION IN SUBDIVISION ONE OF THIS SECTION SHALL BE COLLECTED BY THE DEPARTMENT AS A MEANS OF TRACKING DONATED TISSUE AND ORGANS. ANY IDENTIFYING INFORMATION, SUCH AS THE DONOR'S NAME AND ADDRESS SHALL NOT BE DISCLOSED OR RELEASED BY THE DEPARTMENT TO ANY PERSON OR ENTITY, EXCEPT UPON THE WRITTEN CONSENT OF THE DONOR OR THE PERSON AUTHORIZED BY LAW TO MAKE SUCH DONATION, OR TO AUTHORIZED EMPLOYEES OF THE DEPARTMENT, OR AS PERMITTED BY LAW.

3. THE DEPARTMENT SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF SUCH DATABASE ESTABLISHED PURSUANT TO THIS SECTION.

4. THE DEPARTMENT SHALL DEVELOP A PROTOCOL TO PROVIDE NOTICE TO TISSUE OR ORGAN RECIPIENTS, IF IT IS DETERMINED THAT SUCH TISSUE OR ORGANS HAVE BEEN PROCURED FROM A DONOR WHO HAS OR HAD AN INFECTIOUS, CONTAGIOUS OR COMMUNICABLE DISEASE OR CANCER.

S 2. This act shall take effect immediately; provided, however, that within one year of the effective date of this act, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act are authorized and directed to be made and completed.