Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 1601					
Bill #: HB 452					
Bill Subject/Title: AN ACT relating to organ donation.					
Sponsor: Representative Lynn Bechler					
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment					
Office(s) Impacted: Medical Examiner / Coroner					
Requirement: <u>X</u> Mandatory Optional					
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing					

Part II: Purpose and Mechanics

HB 452 requires the coroner to release post mortem examination results to an organ procurement organization. Currently if the decedent's body or part is medically suitable for transplantation or therapy, the medical examiner or coroner **may** release relevant postmortem examination results to the procurement organization. HB 452 makes releasing post mortem examination results a requirement.

Pursuant to 902 KAR 20:016 Section3(12)(b) and (c)(3), when someone who has signed an organ donor card dies in a hospital, authorities are mandated to contact an organ procurement organization. Being in a hospital allows major organs to be saved through the use of life-support technology.

When a donor dies at an accident scene or elsewhere outside of a hospital, major organs cannot be saved. However, if organ donor authorities are notified, corneas, soft tissue, heart valves, and large bones can be used if removed within 24 hours. Currently, the law doesn't mandate a coroner or medical examiner notify Organ Donor Affiliates.

Less than 2 percent of the 2.6 million Americans who die each year qualify for organ donation, largely because most people die outside of hospitals and hospital deaths

generally are required for donation.¹ A lot of deaths that occur outside of the hospital are young, healthy people in traumatic accidents.² In Kentucky alone, the five year average for highway fatalities **only**, 2010-2114, is 705.

Within the last year near Princeton, KY, the parents of an individual whose death resulting from a traffic accident said up to 50 people could have been helped if notification had been timely. As a result the wishes of the deceased were not fulfilled.³

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 452 on local governments is nil.

Currently when a coroner is called to the scene of a traffic accident, homicide, or any type of occurrence resulting in the death of an individual, the coroner will first identify the body in order to contact next of kin. This procedure, if circumstanced permit, includes looking at personal belongings including billfold / purse, and driver's license. If, by either notation on the license or by separate donor card, it is discovered the deceased is a donor, then the Kentucky Organ Donor Association (KODA) is contacted immediately to inform them of the situation. Follow-up calls may be made when necessary in order to provide a more complete picture of the scene. KRS 72.025 currently requires post-mortem exams when death occurs under specific conditions including homicide, violence, and accidents. Post mortem exams may delay or in some instances, not allow the timely harvesting of organs.

Most coroners are currently contacting procurement organizations such as Kentucky Organ Donor Affiliates as soon as possible when circumstance allows. Although every effort is made, the inherent nature of accident scenes may prevent the timely notification of an organ procurement organization.

There would be no additional cost to the Coroner's office.

Data Sourc	•	<u>1-2 Wahlberg, D. (2015, July 5). Doctors See Organ Donation From</u> Deaths Outside of Hospitals, Wisconsin State Journal			
		<u>3) Foust, F. (December 2, 2015). Organ Donor Law Change Sought, The Herald Ledger, Eddyville, KY</u>			
	General reference	General references:			
	LRC Staff, Kentucky State Police, Kentucky Coroners Association				
	Identical to RS 16	Identical to RS 16 SB 139			
Preparer:	Wendell F. Butler	Reviewer:	JWN	Date: 2/23/16	