

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

Part I: Measure Information

Bill Request #: 1878

Bill #: SB 251

Bill Subject/Title: AN ACT relating to organ donation.

Sponsor: Senator Julie R. Adams

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Medical Examiner / Coroner

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 251 requires a medical examiner or coroner, who has knowledge *reasonably sufficient under the circumstances* that a decedent whose body is under his or her jurisdiction wished to be an organ or tissue donor, to release to the procurement organization the name, contact information, and available medical and social history of the decedent. Currently, information is turned over to the procurement organization only upon request of that procurement organization.

SB 251 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. SB 251 makes releasing post mortem examination results a requirement.

Pursuant to 902 KAR 20:016 Section 3(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, coroners and medical examiners

are not required to notify organ procurement organizations for deaths occurring outside of a hospital.

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**, 2010-2014, is 705.

Within the last year near Princeton, KY, the parents of an individual whose death resulted 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 SB 251 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 circumstances 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 circumstances allow. 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 Source(s): 1-2 Wahlberg, D. (2015, July 5). Doctors See Organ Donation From Deaths Outside of Hospitals, Wisconsin State Journal

3) Foust, F. (December 2, 2015). Organ Donor Law Change Sought, The Herald Ledger, Eddyville, KY

General references:

LRC Staff, Kentucky State Police, Kentucky Coroners Association

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/3/16