Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. H.B. 529** DATE: **December 17, 2008**

STATUS: **As Enacted – Effective April 7, 2009** SPONSOR: **Rep. Wachtmann**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Revises the law to adopt the Uniform Anatomical Gift Act**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 and FUTURE YEARS
County General Fund	
Revenues	Potential minimal gain
Expenditures	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- ***Release of decedent's information.*** There may be a minimal increase in costs to county coroners' offices to provide available information about a decedent when requested by a procurement organization. However, this procedure is already widely used by coroners' offices in Ohio, and in most cases will not require any significant change in practice.

- ***Agreement with a procurement organization.*** There may be a minimal increase in costs to coroners' offices to enter into agreements with procurement organizations and to evaluate the effectiveness of the agreements on a regular basis. However, most coroners' offices in the state have standard practices in place to cooperate and/or consult with procurement organizations. In situations where no agreement between the two parties has been made, there may be an increase in costs for coroners' offices to attend certain removal procedures. However, the coroner's office may experience an offsetting gain in revenue from procurement organizations for reimbursement of salary, wages, and expenses. There may be a minimal increase in costs to coroners' offices to produce the required records and/or documentation and provide the procurement organization with a copy in situations where a coroner or designee denies recovery.

Detailed Fiscal Analysis

The Uniform Anatomical Gift Act was originally promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1968 and sought to clarify a number of issues associated with body and organ availability for research and transplantation. The Act was adopted by Ohio in 1969. At its July 2006 annual meeting, the NCCUSL approved a *Revised* Uniform Anatomical Gift Act. This bill (H.B. 529) adopts the 2006 version of the Act and specifies that this law applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

The bill contains many provisions that relate to donors, donees, and procurement organizations in regards to anatomical gifts. The bill also contains provisions relating to the liability of funeral directors and coroners, the Federal Electronic Signatures Law, and makes technical and conforming changes. However, this analysis focuses on those aspects of the bill that have a potential fiscal effect on governmental entities. For a complete discussion of the bill's provisions, please see the LSC bill analysis.

Coroners

In Ohio, a coroner is an elected public official in each county, who must be licensed to practice medicine in the state of Ohio. A coroner is responsible for investigating sudden, suspicious, violent, or unusual deaths and for providing accurate, legally defensible determinations of the causes of these deaths. Expenses for each county coroner's office are paid from the county's general fund; therefore, any costs associated with this bill will likely be paid from those moneys.

Release of decedent's information

The bill requires a coroner, on a procurement organization's request, if such information is available, to release the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the coroner to the procurement organization and to release post-mortem examination results if the decedent's body or a part is medically suitable for life-saving organ transplantation or therapy.

There may be a minimal increase in costs to county coroners' offices to provide the requested information to a procurement organization. However, this procedure is already widely used by coroners' offices in Ohio, and in most cases will not require any significant change in practice.

Agreement with a procurement organization

The bill requires a coroner and procurement organization to enter into an agreement establishing protocols and procedures governing the relationship between them when an anatomical gift has been or might be made, but the coroner believes that the recovery of the part could interfere with the post-mortem investigation into the decedent's cause or manner of death. The bill also requires a coroner and a procurement organization to evaluate the effectiveness of the agreement at regular intervals, at least every two years.

If no agreement is made between the two parties, and the coroner intends to deny recovery of an organ, the bill generally requires the coroner or the coroner's designee to attend the removal procedure for the organ before making a final determination not to allow the procurement organization to recover the organ. The bill also permits a coroner to designate another coroner or employee of another coroner's office to attend a recovery procedure on the coroner's behalf. On a coroner's or coroner's designee's request, the bill requires that the procurement organization reimburse the coroner's office for the costs of the coroner's attendance at a removal procedure if the coroner or the coroner's designee is able to be present at the removal procedure.

If a coroner or designee denies recovery of a part, the bill requires that the specific reasons for not allowing the recovery must be explained and included in the record and the procurement organization must be provided a copy of the record except when a coroner or designee denies recovery of an organ from a decedent under age two. If a coroner allows recovery, the bill requires the coroner and the procurement organization to cooperate in any necessary documentation.

Most coroners' offices in the state have standard practices in place to cooperate and/or consult with procurement organizations, therefore, any increase in costs to coroners' offices to enter into agreements with procurement organizations and to evaluate the effectiveness of the agreements on a regular basis will likely be minimal. In situations where no agreement between the two parties has been made, there may be an increase in costs for coroners' offices to attend the removal procedures. However, the coroner's office may experience an offsetting gain in revenue from procurement organizations for reimbursement of salary, wages, and expenses when in attendance. There may also be a minimal increase in costs to coroners' offices to produce required records and/or documentation and provide copies to procurement organizations.

Immunity from administrative proceedings

The bill grants immunity to a person who acts in accordance with the law governing anatomical gifts, or attempts to act in good faith with this law, from administrative proceedings in addition to civil and criminal actions.

These provisions may decrease the number of administrative proceedings experienced by the court system. As a result, the courts may experience a loss in filing and court service fees. However, the savings realized by those courts in terms of their personnel and related administrative costs associated with the processing of cases would likely be greater than any possible loss of court filing and service fee revenues.

Second Chance Trust Fund

The bill eliminates provisions of law that pertain to the use of Second Chance Trust Fund money for the initial implementation of the donor registry maintained by the Bureau of Motor Vehicles.

The donor registry became operational on July 1, 2002 and since the initial implementation costs of the donor registry have already been realized, eliminating these provisions will have no fiscal effect on the trust fund.

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