

1 A bill to be entitled

2 An act relating to organ donation; amending s.
3 395.1055, F.S.; revising a provision relating to
4 certain rules adopted by the Agency for Health Care
5 Administration; amending s. 765.5155, F.S.; revising
6 the responsibilities of a contractor procured by the
7 agency for the purpose of educating and informing the
8 public about anatomical gifts; amending s. 765.517,
9 F.S.; prohibiting an organ transplantation facility
10 from charging a donor or his or her family member any
11 fee for services relating to the procurement or
12 donation of organs; amending s. 765.522, F.S.;
13 revising a requirement that the agency establish rules
14 and guidelines relating to the education of certain
15 individuals designated to perform certain organ
16 donation procedures; amending s. 765.543, F.S.;
17 revising the duties of the Organ and Tissue
18 Procurement and Transplantation Advisory Board;
19 requiring the board to submit certain recommendations
20 to the agency by a specified date; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (i) of subsection (1) of section

26 | 395.1055, Florida Statutes, is amended to read:

27 | 395.1055 Rules and enforcement.—

28 | (1) The agency shall adopt rules pursuant to ss.
29 | 120.536(1) and 120.54 to implement the provisions of this part,
30 | which shall include reasonable and fair minimum standards for
31 | ensuring that:

32 | (i) All hospitals providing organ transplantation,
33 | neonatal intensive care services, inpatient psychiatric
34 | services, inpatient substance abuse services, or comprehensive
35 | medical rehabilitation meet the minimum licensure requirements
36 | adopted by the agency. Such licensure requirements must include
37 | quality of care, nurse staffing, physician staffing, physical
38 | plant, equipment, emergency transportation, and data reporting
39 | standards. Agency rules shall include minimum volume standards
40 | for organ transplantation and neonatal intensive care services.

41 | Section 2. Paragraph (b) of subsection (3) of section
42 | 765.5155, Florida Statutes, is amended to read:

43 | 765.5155 Donor registry; education program.—

44 | (3) The contractor shall be responsible for:

45 | (b) A continuing program to educate and inform medical
46 | professionals, law enforcement agencies and officers, other
47 | state and local government employees, high school students,
48 | minorities, and the public about federal and state ~~the laws of~~
49 | ~~this state~~ relating to anatomical gifts and the need for

50 anatomical gifts, including the organ donation and
51 transplantation process.

52 1. Existing community resources, when available, must be
53 used to support the program and volunteers may assist the
54 program to the maximum extent possible.

55 2. The contractor shall coordinate with the head of a
56 state agency or other political subdivision of the state, or his
57 or her designee, to establish convenient times, dates, and
58 locations for educating that entity's employees.

59 Section 3. Subsection (4) of section 765.517, Florida
60 Statutes, is amended to read:

61 765.517 Rights and duties at death.—

62 (4) All reasonable additional expenses incurred in the
63 procedures to preserve the donor's organs or tissues shall be
64 reimbursed by the procurement organization. An organ
65 transplantation facility may not charge a donor or his or her
66 family member any fee for services relating to the procurement
67 or donation of his or her organs.

68 Section 4. Subsection (3) of section 765.522, Florida
69 Statutes, is amended to read:

70 765.522 Duty of hospital administrators; liability of
71 hospital administrators and procurement organizations.—

72 (3) The agency shall establish rules and guidelines
73 concerning the education of individuals who may be designated to
74 perform the request and the procedures to be used in making the

75 | request, including a requirement that such individuals clearly
76 | explain to patients and living organ donors the protocols of the
77 | hospital and the federal and state regulations regarding organ
78 | donation. The agency is authorized to adopt rules concerning the
79 | documentation of the request, where such request is made.

80 | Section 5. Subsection (3) of section 765.543, Florida
81 | Statutes, is amended to read:

82 | 765.543 Organ and Tissue Procurement and Transplantation
83 | Advisory Board; creation; duties.—

84 | (3) The board shall:

85 | (a) Assist the agency, in collaboration with other
86 | relevant public or private entities, in the development of
87 | necessary professional qualifications, including, but not
88 | limited to, the continuing education, training, and performance
89 | of persons engaged in the various facets of organ and tissue
90 | procurement, processing, preservation, and distribution for
91 | transplantation;

92 | (b) Assist the agency in monitoring the appropriate and
93 | legitimate expenses associated with organ and tissue
94 | procurement, processing, and distribution for transplantation
95 | and developing methodologies to assure the uniform statewide
96 | reporting of data to facilitate the accurate and timely
97 | evaluation of the organ and tissue procurement and
98 | transplantation system;

99 (c) Provide assistance to the Florida Medical Examiners
100 Commission in the development of appropriate procedures and
101 protocols to ensure the continued improvement in the approval
102 and release of potential donors by the district medical
103 examiners and associate medical examiners;

104 (d) Develop with and recommend to the agency the necessary
105 procedures and protocols required to assure that all residents
106 of this state have reasonable access to available organ and
107 tissue transplantation therapy and that residents of this state
108 can be reasonably assured that the statewide procurement
109 transplantation system is able to fulfill their organ and tissue
110 requirements within the limits of the available supply and
111 according to the severity of their medical condition and need;
112 and

113 (e) Develop with and recommend to the agency any changes
114 to the laws of this state or administrative rules or procedures
115 to ensure that the statewide organ and tissue procurement and
116 transplantation system is able to function smoothly,
117 effectively, and efficiently, in accordance with the Federal
118 Anatomical Gift Act and in a manner that assures the residents
119 of this state that no person or entity profits from the
120 altruistic voluntary donation of organs or tissues. In addition
121 to the duties described in this subsection, the board must
122 submit to the agency, by September 1, 2021, recommendations that
123 address the following:

124 1. Frequency of communication between patients and organ
 125 transplant coordinators.

126 2. Monitoring of each organ transplantation facility and
 127 the annual reporting and publication of relevant information
 128 regarding the statewide number of patients placed on waiting
 129 lists and the number of patients who receive transplants,
 130 aggregated by the facility.

131 3. Establishment of a coordinated communication system
 132 between organ transplantation facilities and living organ donors
 133 for the purpose of minimizing the cost and time required for
 134 duplicative lab tests, including the sharing of lab results
 135 between facilities.

136 4. Potential incentives for organ transplantation
 137 facilities to increase organ donation in the state.

138 5. Creation of a more efficient regional or statewide
 139 living organ donor process.

140 6. Potential opportunities and incentives for organ
 141 transplantation research.

142 7. Best practices for organ transplantation facilities and
 143 organ procurement organizations that promote the most efficient
 144 and effective outcomes for patients.

145 8. Monitoring of organ procurement organizations.

146 Section 6. This act shall take effect July 1, 2020.