

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1327

By: Perry

AS INTRODUCED

An Act relating to organ donation; amending Section 21, Chapter 3, O.S.L. 2002, as amended by Section 2, Chapter 384, O.S.L. 2002 (43A O.S. Supp. 2002, Section 3-701a), which relates to medical care of inmates; amending 57 O.S. 2001, Section 52, which relates to medical care of prisoners; amending 63 O.S. 2001, Section 2204, which relates to the Uniform Anatomical Gift Act; providing that construction of certain statutory provisions do not grant preference to certain inmates or prisons over other recipients for certain organs and tissues allocation; providing exceptions; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 21, Chapter 3, O.S.L. 2002, as amended by Section 2, Chapter 384, O.S.L. 2002 (43A O.S. Supp. 2002, Section 3-701a), is amended to read as follows:

Section 3-701a. A. ~~Until February 1, 2002, it shall be the responsibility of the Department of Mental Health and Substance Abuse Services, within facilities and professional capabilities, to provide at Griffin Memorial Hospital, Norman, Oklahoma, such medical and surgical inpatient and outpatient care as may be required by inmates from the several correctional institutions that are properly referred to the hospital by the Department of Corrections. The Department of Mental Health and Substance Abuse Services may refer to the University Hospitals, and University Hospitals shall accept those inmate patients who need services beyond the facilities and professional capability of Griffin Memorial Hospital.~~

B. ~~On and after February 1, 2002, it~~ It shall be the responsibility of the Department of Corrections or the primary medical contract provider of the Department of Corrections to

provide such medical and surgical inpatient and outpatient care as may be required by inmates of the Department of Corrections. The Department or the primary medical contract provider of the Department may refer to the University Hospitals, and the University Hospitals shall accept, those inmate patients who need services, as determined by the Department of Corrections to be beyond the professional capabilities of the Department of Corrections or the primary medical contract provider of the Department of Corrections. The primary medical contract provider shall be a hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes, and shall be the source of initial referrals, and diagnosis and treatment where appropriate for inmate care from the Department of Corrections. The Director of the Department of Corrections shall designate the primary medical contract provider for the Department of Corrections.

~~C.~~ B. The Department of Corrections shall be responsible for transporting to, from, and between hospitals and for providing such physical security of inmate patients as may be required beyond that security normal to hospital operation. The Department of Corrections shall immediately remove from the hospital those inmate patients as each is discharged by the hospital.

~~D.~~ C. The hospital services provided by Griffin Memorial Hospital and the University Hospitals shall be without cost to the Department of Corrections.

D. The provisions of this section shall not be construed to grant a preference allocation of any vascular organ or corneal tissue to an inmate of the Department of Corrections awaiting transplantation over a suitable recipient in this state or out of this state.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 52, is amended to read as follows:

Section 52. A. 1. It shall be the duty of the sheriff of each county to provide bed clothing, washing, board and medical care when

required, and all necessities for the comfort and welfare of prisoners as specified by the standards promulgated pursuant to Section 192 of Title 74 of the Oklahoma Statutes ~~and he~~.

2. The provisions of this subsection shall not be construed to grant a preference allocation of any vascular organ or corneal tissue to a prisoner awaiting transplantation in the custody of any sheriff over a suitable recipient in this state or out of this state.

B. The sheriff shall be allowed such compensation for services required by the provisions of Sections 41 through 64 of this title, as may be prescribed by the county commissioners.

C. All purchases made pursuant to the provisions of this section shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1505 of Title 19 of the Oklahoma Statutes, including the use of blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 2204, is amended to read as follows:

Section 2204. A. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

1. Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation;

2. Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy;

3. The designated Oklahoma organ procurement organization;

4. Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation;

5. Any specified individual for therapy or transplantation needed by ~~him~~ the individual; or

6. The Anatomical Board of the State of Oklahoma.

B. Any donee receiving a whole body donation from any source shall have approval from the Anatomical Board of the State of Oklahoma prior to receiving such donation.

1. Subject to the provisions of paragraph 2 of this subsection, if, in the judgment of the designated Oklahoma organ procurement organization, it is appropriate to allocate a vascular organ to a patient awaiting transplantation outside of the State of Oklahoma, that the organization shall have the authority to enter into such vascular organ sharing arrangements as may be deemed advisable, necessary or expedient. The terms of such vascular organ sharing agreement shall provide that a vascular organ recovered in Oklahoma shall not be transferred to an out-of-state organ procurement organization and transplanted there into a suitable recipient before such vascular organ is offered and placed into a suitable recipient located in Oklahoma, unless there is a reciprocal agreement by which the recipient pool of patients awaiting transplantation in Oklahoma receive an organ deemed locally acceptable for transplantation in return for the organ sent out of the state.

2. The designated Oklahoma organ procurement organization may only transfer a vascular organ to an out-of-state organ procurement organization or suitable out-of-state recipient for transplantation if one of the following requirements is met:

- a. a suitable recipient in the State of Oklahoma is not known to the designated Oklahoma organ procurement organization within the amount of time necessary to preserve the organ, or
- b. the designated Oklahoma organ procurement organization has a reciprocal agreement as provided by paragraph 1 of this subsection.

C. 1. The responsibility of the Department of Corrections to provide medical and surgical inpatient and outpatient care required

by inmates pursuant to Section 3-701a of Title 43A of the Oklahoma Statutes shall not be construed to grant a preference allocation of any vascular organ or corneal tissue to an inmate awaiting transplantation over a suitable recipient in this state or out of this state.

2. The responsibility of a sheriff of any county in this state to provide medical care required by inmates pursuant to Section 52 of Title 57 of the Oklahoma Statutes shall not be construed to grant a preference allocation of any vascular organ or corneal tissue to an inmate awaiting transplantation over a suitable recipient in this state or out of this state.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

49-1-6061          KSM          01/17/03