

Kennedy, Debora

From: Dalessandro Anthony M [am.dalessandro@hosp.wisc.edu]
Sent: Tuesday, October 11, 2005 2:51 PM
To: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; martha_anderson@mtf.org
Cc: Kennedy, Debora
Subject: RE: Conf Call

Everyone, Deborah Kennedy from the LRB is out until Monday Oct 17th. Scott Becher can get on a call on Monday so I would like to set up especially with WTB, MTF and WIDN on the call with . I am clear on our proposed changes but would like the major stakeholders on the call. please let me know as soon as possible your Monday availability. I think we can make the changes suggested in a very short call with Deborah Kennedy. Thanks. Tony

-----Original Message-----

From: Dalessandro Anthony M
Sent: Mon 10/10/2005 6:21 PM
To: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; martha_anderson@mtf.org
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Subject: FW: Conf Call

Everyone, After I hear back from Scott Becher in Rep. Wieckert's office and from Deb Kennedy I will set up a conference call and let you know the time and the call in number. Thanks. Tony

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From: Dalessandro Anthony M
Sent: Mon 10/10/2005 5:55 PM
To: scott.becher@legis.state.wi.us; deborah.kennedy@legis.state.wi.us
Cc:
Subject: Conf Call

Scott and Deborah, I have reviewed the draft legislation with MTF, our tissue bank as well as WTB, the Milwaukee tissue bank and have some suggested changes to the draft as written. I am waiting to hear from the Milwaukee OPO, WIDN, which in my previous conversations was on board with the restriction of organ donation denial as written. I would like to suggest a brief conference call on Wed. or Thurs. with the 4 main organizations on the call. Even though I am clear on the suggested changes I only want to make changes one more time and the best way would be to have the groups on a call. My only restrictions are 1-2 on Wed. and 11-12 on Thurs. However, if necessary I can move those around to fit your schedules. Thanks. Tony

Kennedy, Debora

From: kathy.simpson@aurora.org
Sent: Tuesday, October 11, 2005 3:16 PM
To: Dalessandro Anthony M
Cc: Kennedy, Debora; george_herrera@mtf.org; gina_reese@mtf.org; joan.heimler@aurora.org; jsuchman@fmlh.edu; Maroney Lisa A.; martha_anderson@mtf.org; pcc@quarles.com; tolsen@fmlh.edu
Subject: RE: Conf Call

Since Joan is out of the office I don't know what her schedule is for Monday. I will be available anytime.

Kathy Simpson
 Wisconsin Tissue Bank
 414-649-5707
 Main 414-649-7722
 Fax: 414-649-5071
 www.wisconsintissuebank.org

▼ "Dalessandro Anthony M" <am.dalessandro@hosp.wisc.edu>

"Dalessandro Anthony M"
 <am.dalessandro@hosp.wisc.edu>

10/11/2005 02:51 PM

To "Maroney Lisa A."
 <la.maroney@hosp.wisc.edu>,
 <pcc@quarles.com>,
 <george_herrera@mtf.org>,
 <gina_reese@mtf.org>,
 <jsuchman@fmlh.edu>, <tolsen@fmlh.edu>,
 <joan.heimler@aurora.org>,
 <kathy.simpson@aurora.org>,
 <martha_anderson@mtf.org>
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10/17/2005

Kennedy, Debora

From: Kathleen Suckar [Kathleen_Suckar@mtf.org] on behalf of Martha Anderson [Martha_Anderson@mtf.org]
Sent: Tuesday, October 11, 2005 3:17 PM
To: Dalessandro Anthony M; Maroney Lisa A.; pcc@quarles.com; George Herrera; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
Cc: Kennedy, Debora
Subject: RE: Conf Call

Martha Anderson is out of the country until 10/20.

Kathleen Suckar
Executive Assistant to Martha Anderson
Executive Vice President Donor Services Musculoskeletal Transplant Foundation
125 May Street
Edison, NJ 08837
Phone: 732-661-2159
Fax: 732-661-2297
email: Kathleen_Suckar@mtf.org

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To: Maroney Lisa A.; pcc@quarles.com; George Herrera; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
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Kennedy, Debora

From: George Herrera [George_Herrera@MTF.ORG]
Sent: Wednesday, October 12, 2005 7:21 AM
To: Dalessandro Anthony M; Maroney Lisa A.; pcc@quarles.com; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
Cc: Kennedy, Debora
Subject: RE: Conf Call

I am traveling on Monday morning (10/17), but can be available for a call after 12:00 noon Central Time. Thanks.

George Herrera

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Sent: Tuesday, October 11, 2005 2:51 PM
To: Maroney Lisa A.; pcc@quarles.com; George Herrera; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
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Kennedy, Debora

From: Dalessandro Anthony M [am.dalessandro@hosp.wisc.edu]
Sent: Wednesday, October 12, 2005 10:40 AM
To: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; martha_anderson@mtf.org
Cc: Becher, Scott; Kennedy, Debora
Subject: RE: Conf Call

Everyone, I have set up a conference call for 2pm Monday October 17 to discuss suggested language changes to Rep. Wieckert's bill. I think this will be a short call since we all appear to be in agreement with language changes as suggested by the OPO's as well as by MTF and WTB. I am very pleased that we all are together on this legislation. The call in number locally is 265-1000 and toll free 800-462-1257. The pass code is 2356. If there is any trouble when you try to call in please call me on my cell phone at 608-239-1055. Thanks. Tony

Anthony M.D'Alessandro M.D.
Professor of Surgery
Executive Director UWHC Organ Procurement Organization
Tel: 608-263-2318
Cell: 608-239-1055
Fax: 608-262-9099

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Sent: Monday, October 10, 2005 6:22 PM
To: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; martha_anderson@mtf.org
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Kennedy, Debora

To: Dalessandro Anthony M
Subject: RE: Conf Call

Thank you for setting this meeting up. I will be available for the conference call at 2:00 today. Are all of the issues for which you want discussion in your e-mail to Scott Becher and me of October 12? (If you have additional items to discuss, that is of course fine, but it is helpful for me to know what your concerns are.)

From: Dalessandro Anthony M [mailto:am.dalessandro@hosp.wisc.edu]
Sent: Tuesday, October 11, 2005 10:34 AM
To: Kennedy, Debora
Cc: Becher, Scott
Subject: FW: Conf Call

Debora, Sorry I got your e-mail wrong yesterday but I was checking on your availability for 10-15 min for suggested changes to Rep. wieckert's bill. Thanks. Tony

Anthony M.D'Alessandro M.D.
Professor of Surgery
Executive Director UWHC Organ Procurement Organization
Tel: 608-263-2318
Cell: 608-239-1055
Fax: 608-262-9099

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From: Dalessandro Anthony M
Sent: Monday, October 10, 2005 5:56 PM
To: scott.becher@legis.state.wi.us; deborah.kennedy@legis.state.wi.us
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Sent: Wednesday, October 12, 2005 5:26 PM
To: Becher, Scott; Kennedy, Debora
Cc: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; kathy.simpson@aurora.org; joan.heimler@aurora.org; jsuchman@fmlh.edu; tolsen@fmlh.org; martha_anderson@mtf.org
Subject: Suggested changes to Rep. Wieckert's Bill

See attached 10/17 notes

Scott, As per your request I will list the suggested changes to Rep. Wieckert's Bill and the rationale so you and Debora can review prior to our conference call on Monday at 2pm. These changes were suggested by the UW OPO and the Wisconsin Donor Network (WIDN), which is the Milwaukee area OPO, and by MTF, the tissue bank UW is affiliated with and by the Wisconsin Tissue Bank (WTB) which also serves the Milwaukee area. I will start out by making line by line changes to LRB-3498/2. This will obviously result in a need to change language in the Analysis by the Legislative Reference Bureau on pages 1 and 2 to be consistent.

① Page 4 Section 6 lines 13-16: Add upon request after medical examiner line 14. The rationale for this change is that currently this information is only provided upon request of a coroner or medical examiner and only on deaths that are investigated.

② Page 4 Section 6 lines 17-21: Add provided by the tissue bank after record on line 19. The rationale for this change is not to create an extra burden for the coroners and medical examiners and since the tissue banks have this information they can provide it to the coroners and medical examiners. ???

Page 5 Section 7 lines 6-16: Delete lines 12-16. Add after the word agreement on line 9 the following sentence: When a county board has entered into an agreement with more than one tissue bank, potential donors whose death occurs outside a hospital, shall be referred on an equal rotating basis. The rationale for this change is to assure that all tissue banks are vetted through an open RFP process. If a county chooses to enter into agreements with more than one tissue bank then they shall rotate on an equal basis.

As regards the Analysis by the Legislative Reference Bureau, the following changes would likely work but since I am not a drafting attorney I will leave the final language up to Deborah:

Page 2 line 13 after the word medical examiner add upon request

Page 2 line 18 after the word released add as provided by the tissue bank

Page 2 line 23 after the word medical examiner delete and change to the following: ... potential donors may be referred to one or more tissue banks that are registered and accredited and with which the county board has an agreement. When a county board enters into agreements with more than one tissue bank, potential donors whose death occurred outside a hospital shall be referred on an equal rotating basis.

Scott or Deborah please call me on my cell phone with any questions. Thanks again. Tony

1) p. 5, l. 6 - remove "or more" ?

2) What if the co. bd. has not entered into an agreement ?

3) "Shall be referred" is passive - who is actor here ?

4) "Potential donor" ? Decedent ? Others ?

Tissue bank has duty to maintain + make avail. to c. or m.e. on request

10/17/05 Conference call with Dr. D'Alessandro,
Scott Becker, et. al:

- ✓ ① a. Require report be filed upon request by the cor. or m.e.
- b. Require the report only for cardiovascular tissue
- c. Allow report to include biopsy or sample if available

✓ ② Recovering agency (not tissue bank only) has duty to maintain record + to make record avail. to c. or m.e. on request

- ✓ ③ a. Delete p. 5, lines 12 to 16
- b. Require co. bds. to use RFP processes to determine tissue banks to which they'll make referral of decedents whose deaths occurred outside a hospital + for which the c. or m.e. has custody.
- c. If co. bd. has agreement w/ one tissue bank, refers in accord w/ agreement; if has agreements w/ more than one, must use an = rotating basis for referral.
- d. Tissue banks must be accredited by AATB + registered w/ federal FDA



State of Wisconsin
2005 - 2006 LEGISLATURE

WED. a.m., please

D-NOTE

LRB-3498/23

DAK:cjs:jf

8/15/05

2005 BILL

SA ✓
X-ref ✓

Regen cat.

1 AN ACT *to repeal* 157.06 (12); *to amend* 157.06 (2) (j), 157.06 (4) (title), 157.06
2 (4) (am) (intro.), 157.06 (4) (b) and 157.06 (5) (bm); *to repeal and recreate*
3 157.06 (title); and *to create* 157.06 (4m) and 157.06 (4r) of the statutes;
4 **relating to:** anatomical gifts and the powers and duties of coroners and
5 medical examiners.

Analysis by the Legislative Reference Bureau

Currently, an individual who is at least 18 years of age may make an anatomical gift (donation of all or part of his or her body to take effect upon or after he or she irreversibly ceases circulatory and respiratory functions or all functions of the brain). Also, certain members of a decedent's family or his or her health care agent under a power of attorney for health care may make an anatomical gift of all or a part of the decedent's body. If a decedent is within the custody of a coroner or medical examiner and there is no evidence that the decedent made or refused to make an anatomical gift, under certain circumstances the coroner or medical examiner may release and permit the removal of a part from the decedent's body for use in transplantation or therapy.

This bill creates requirements related to removal of a body part from a decedent who is within the jurisdiction of a coroner or medical examiner and who has made an anatomical gift or whose family or health care agent has made an anatomical gift of all or part of the decedent's body. For such a person, a physician may remove a vascularized organ (a heart, lung, liver, pancreas, kidney, intestine, or other organ

BILL

upon request by a coroner or medical examiner,

cardiovascular tissue

that requires the continuous circulation of blood to remain useful for purposes of transplantation) within a time period in which the organ may be preserved for purposes of transplantation if (1) the coroner or medical examiner or his or her designee is first provided notice of the intended removal; and (2) the coroner or medical examiner or his or her designee has the opportunity to be present during the vascularized organ's removal if in his or her judgment the organ may be necessary in determining the cause of death. However, the coroner or medical examiner or designee may order a biopsy of the vascularized organ or deny removal and, if doing so, must specify any reason in writing. Parts or all of the decedent's body that are anatomical gifts, other than vascularized organs, may be removed by a physician or technician as authorized by the coroner, medical examiner, or designee with jurisdiction over the decedent. A physician or technician who removes a part from a decedent must file a report with the coroner or medical examiner, and a coroner or medical examiner or designee who releases and permits removal of a part must maintain a permanent record of the name of the decedent, the name of any person who made an anatomical gift on behalf of the decedent, the date and purpose of the document of gift, the part removed, and the name of the person to whom the part was released. *The agency must, upon request, make this record available.*

referral

The agency recovering the part

to the coroner or medical examiner

The bill also requires, for a decedent who is within the custody of a coroner or medical examiner and whose death occurred in a hospital, that any donation of tissue be to the tissue bank with which the hospital has an agreement, as required under federal law. For a decedent whose death occurred outside a hospital and who is within the custody of a coroner or medical examiner, tissue may be released to a tissue bank with which the county board has an agreement or, if no agreement exists, on an equal rotating basis to any registered and accredited tissue bank that proposes to offer removal services, subject to county board approval.

single

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

if

with only that tissue bank

referred

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 157.06 (title) of the statutes is repealed and recreated to read:

2 **157.06 (title) Anatomical gifts.**

3 SECTION 2. 157.06 (2) (j) of the statutes is amended to read:

4 157.06 (2) (j) In the absence of contrary indications by the donor, an anatomical
5 gift of a part of a human body is neither a refusal to give other parts of the body nor
6 a limitation on an anatomical gift under sub. (3) or on a removal or release of other
7 parts of the body under sub. (4) or (4m).

to those tissue banks with which the county board has agreements. The tissue bank

or tissue banks must be selected by the county board under a request-for-proposals process and must be registered and accredited

BILL

1 **SECTION 3.** 157.06 (4) (title) of the statutes is amended to read:

2 157.06 (4) (title) ~~NOTIFICATION AND AUTHORIZATION~~ AUTHORIZATION BY CORONER
3 OR MEDICAL EXAMINER; DECEDENT NOT A DONOR.

4 **SECTION 4.** 157.06 (4) (am) (intro.) of the statutes is amended to read:

5 157.06 (4) (am) (intro.) The coroner or medical examiner may release and
6 permit the removal of a part from, a decedent specified in par. (ag) within that
7 official's custody, for transplantation or therapy, if all of the following apply:

8 **SECTION 5.** 157.06 (4) (b) of the statutes is amended to read:

9 157.06 (4) (b) ~~An official releasing, and permitting~~ A coroner or medical
10 examiner who releases, and permits the removal of a part of, a human body under
11 this subsection shall maintain a permanent record of the name of the decedent, the
12 name of the person making the request, the date and purpose of the request, the part
13 of the body requested, and the name of the person to whom it was released.

14 **SECTION 6.** 157.06 (4m) of the statutes is created to read:

15 157.06 (4m) **AUTHORIZATION BY CORONER OR MEDICAL EXAMINER; DECEDENT A**
16 DONOR. (a) Subject to par. (b), for a decedent who meets the criteria for a
17 determination of death under s. 146.71, who is a donor or of whom an anatomical gift
18 has been made under sub. (3), and who is within the jurisdiction of a coroner or
19 medical examiner under ch. 979, any vascularized organ that is an anatomical gift
20 may be removed by a physician, within a time period compatible with preservation
21 of the organ for purposes of transplantation, if all of the following take place:

22 1. The coroner or medical examiner or his or her designee is first provided notice
23 of the intended removal.

24 2. The coroner or medical examiner or his or her designee has the opportunity
25 to be present during the physician's removal of the vascularized organ if, in the

BILL

cardiovascular tissue

1 judgment of the coroner, medical examiner, or designee, the organ may be necessary
2 in determining the cause of death.

3 (b) The coroner or medical examiner or his or her designee specified in par. (a)
4 may order a biopsy of the vascularized organ or deny removal. If the biopsy is ordered
5 or the removal is denied, the coroner, medical examiner, or designee shall specify, in
6 writing as part of any death report required under ch. 979, any reasons for
7 determining that the organ may be involved in the cause of death.

8 (c) For a decedent specified under par. (a), any part other than a vascularized
9 organ that is an anatomical gift may be removed by a physician or technician, within
10 a time period compatible with preservation of the part for purposes of
11 transplantation, as authorized by the coroner, medical examiner, or designee with
12 jurisdiction over the decedent.

upon request of

13 (d) A physician or technician who removes a part from a decedent under this
14 subsection shall file with the coroner or medical examiner a report detailing the
15 condition of the part and its relationship to the cause of death. The report may
16 include a biopsy or medically approved sample from the part.

file with the coroner or medical examiner

if available

17 (e) A coroner or medical examiner or his or her designee who releases and
18 permits the removal of a part under this subsection shall maintain a permanent
19 record of the name of the decedent, the name of the person, if any, who made an
20 anatomical gift under sub. (3), the date and purpose of the document of gift, the part
21 of the body removed, and the name of the person to whom the part was released.

the recovering agency

SECTION 7. 157.06 (4r) of the statutes is created to read:

23 157.06 (4r) AUTHORIZATION BY CORONER OR MEDICAL EXAMINER; DONEE. (a) If a
24 decedent is within the custody of a coroner or medical examiner, and the death

upon request shall make the record under this paragraph available to the coroner or medical examiner.

BILL

donated *referral* *any referral of donated tissues* *by*

1 occurred in a hospital, any ~~donation~~ ^{referral} of tissues shall be to the tissue bank with which
2 the hospital has an agreement under 42 CFR 482.45 (a) (2).

3 (b) If a decedent is within the custody of a coroner or medical examiner, and the
4 death occurred outside a hospital, ~~and if the coroner or medical examiner is releasing~~

5 ~~a tissue to a tissue bank, the release shall be made as follows:~~

INSERT 5-5

6 ^{#2.a. applicable} 1. If the county board has entered into an agreement with one ^{only} or more tissue
7 banks ^{the} following ~~a~~ request-for-proposals process ~~that considers a tissue bank's~~
8 history, services, and tissue distribution record, the coroner or medical examiner
9 shall ~~release~~ ^{refer} tissues in accordance with the agreement. ^{INSERT 5-9} Tissue banks under this
10 ~~subdivision~~ ^{paragraph} shall be accredited by the American Association of Tissue Banks and
11 registered with the federal Food and Drug Administration.

12 2. If the county board has not entered into an agreement under subd. 1., the
13 coroner or medical examiner shall release tissues on an equal rotating basis to any
14 tissue bank that is accredited by the American Association of Tissue Banks and
15 registered with the federal Food and Drug Administration and that proposes to
16 provide removal services in the county, subject to approval by the county board.

SECTION 8. 157.06 (5) (bm) of the statutes is amended to read:

18 157.06 (5) (bm) If at or near the time of death of a patient a hospital knows that
19 an anatomical gift of all or a part of the patient's body has been made under sub. (3)
20 (a), that a release and removal of a part of the patient's body has been permitted
21 under sub. (4) or (4m) or that a patient or an individual identified as in transit to the
22 hospital is a donor, the hospital shall notify the donee if one is named and known to
23 the hospital. If a donee is neither named nor known to the hospital, the hospital shall
24 notify an appropriate procurement organization. The hospital shall cooperate in the

BILL

1 implementation of the anatomical gift or release and removal of a part of the body
2 of the patient or individual.

SECTION #. RP; 157.06(11). ✓

3 SECTION 9. 157.06 (12) of the statutes is repealed.

4 (END)

D-NOTE

INSERT 5-5

9. The applicable county board shall have used a request-for-proposals process that considers a tissue bank's history, services, and tissue distribution record in selecting the tissue bank ^{or tissue banks} to which the coroner or medical examiner shall refer the tissues.

INSERT 5-9

(4) b. If the applicable county board has entered into agreements with more than one tissue bank following the request-for-proposals process, the coroner or medical examiner shall refer tissues on an equal rotating basis to the tissue banks.

(4) 3.

D-NOTE

To Representative Wickert:

⑨

Please again review this draft carefully; it contains numerous revisions in accordance with the telephone conference of October 17. Please note that I have additionally in this draft repealed s. 157.06 (11), stats.; that provision relates to the old uniform act under which s. 157.06, stats., was created and which has subsequently been superseded by various amendments over the years.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3498/3dn
DAK:cjs:jf

October 18, 2005

To Representative Wieckert:

Please again review this draft carefully; it contains numerous revisions in accordance with the telephone conference of October 17. Please note that I have additionally in this draft repealed s. 157.06 (11), stats.; that provision relates to the old uniform act under which s. 157.06, stats., was created and which has subsequently been superceded by various amendments over the years.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Dalessandro Anthony M [am.dalessandro@hosp.wisc.edu]
Sent: Tuesday, October 18, 2005 10:06 PM
To: Maroney Lisa A.; pcc@quarles.com; george_herrera@mtf.org; gina_reese@mtf.org; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; martha_anderson@mtf.org
Cc: Becher, Scott; Kennedy, Debora
Subject: Re: Rep. Wieckert LRB-3498/3
Attachments: Rep. Wieckert 05-34983 10-18-05.pdf



Rep. Wieckert
05-34983 10-18-0...

Please find attached LRB-3498/3 with changes based on our conference call yesterday. I have reviewed the latest version, and it appears to reflect the changes we discussed, however, I have a question for Deborah regarding Section 157.06 (4m) (b). Can this be construed as a 'stand alone' provision, giving a coroner authority to deny removal without going through the procedures described in the preceding paragraph (a) 1 and 2 ? Also, should it be stated in (4m) (b) that the coroner or ME, consistent with (4m) (a)2 needs to be present at the removal to order a biospy or deny removal or is this clear as currently written? I just wanted to be sure that our intent is articulated in the draft language. The objective of this section was to assure that organ donation would proceed if the coroner or ME were given notice and the option to be present. A coroner should only be permitted to deny if he or she is present at the removal and is required to explain his/her reasons in writing for the biopsy or the denial of removal. Please notify me via e-mail or by cell phone at 608-239-1055 if changes that were made based on our conference call are satisfactory. Thanks. Tony

Kennedy, Debora

From: joan.heimler@aurora.org
Sent: Thursday, October 20, 2005 9:48 AM
To: George Herrera
Cc: Dalessandro Anthony M; Kennedy, Debora; Gina Reese; jsuchman@fmlh.edu; kathy.simpson@aurora.org; Maroney Lisa A.; Martha Anderson; pcc@quarles.com; Becher, Scott; tolsen@fmlh.edu
Subject: RE: Rep. Wieckert LRB-3498/3

Tony,
 I agree with George's comments, the terms **potential donor** define what we are discussing not just tissues. If it necessary to establish the difference of this donor from the vascularized organ donor the terms **a potential tissue donor** may be used. I also think this is significant enough to request the change. The other changes we discussed about tissue are very well written. I am available in the office today if you have questions.

Thanks,
 Joan

Joan Heimler, RN
 Manager
 Organ Sharing Network
 Wisconsin Tissue Bank
 2801 W. Kinnickinnic River Parkway Suite L080
 Milwaukee, WI 53215

Phone: 800.722.8230
 Pager: 414.222.0812
 Fax: 414.649.5071

www.wisconsintissuebank.org

▼ "George Herrera" <George_Herrera@MTF.ORG>

"George Herrera"
 <George_Herrera@MTF.ORG>

10/19/2005 11:29 PM

To "Dalessandro Anthony M"
 <am.dalessandro@hosp.wisc.edu>, "Maroney
 Lisa A." <la.maroney@hosp.wisc.edu>,
 <pcc@quarles.com>, "Gina Reese"
 <Gina_Reese@mtf.org>, <jsuchman@fmlh.edu>,
 <tolsen@fmlh.edu>, <joan.heimler@aurora.org>,
 <kathy.simpson@aurora.org>, "Martha
 Anderson" <Martha_Anderson@mtf.org>
 cc <scott.becher@legis.state.wi.us>,
 <debora.kennedy@legis.state.wi.us>
 Subject RE: Rep. Wieckert LRB-3498/3

Tony,

10/20/2005

Sorry I missed your calls today. Overall the changes that were made reflect the discussions that we had. They all look acceptable to me. However, upon re-reading the bill, the part that struck me as incorrect was on page 5, lines 6, 9, 14, 17, and 20 that talk about the referral of tissues. Technically, it should be the referral of potential donors (from which tissues will be recovered). I don't know if it's too late to make this change, but I thought it was significant enough to mention. Sorry I didn't catch it earlier. I'll be traveling Thursday and Friday, so cell phone is the best way to get a hold of me if we need to speak. Thanks.

George

-----Original Message-----

From: Dalessandro Anthony M [<mailto:am.dalessandro@hosp.wisc.edu>]
Sent: Tuesday, October 18, 2005 10:06 PM
To: Maroney Lisa A.; pcc@quarles.com; George Herrera; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
Cc: scott.becher@legis.state.wi.us; debora.kennedy@legis.state.wi.us
Subject: Re: Rep. Wieckert LRB-3498/3

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10/20/2005

Kennedy, Debora

From: George Herrera [George_Herrera@MTF.ORG]
Sent: Wednesday, October 19, 2005 11:30 PM
To: Dalessandro Anthony M; Maroney Lisa A.; pcc@quarles.com; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
Cc: Becher, Scott; Kennedy, Debora
Subject: RE: Rep. Wieckert LRB-3498/3

Tony,

Sorry I missed your calls today. Overall the changes that were made reflect the discussions that we had. They all look acceptable to me.

However, upon re-reading the bill, the part that struck me as incorrect was on page 5, lines 6, 9, 14, 17, and 20 that talk about the referral of tissues. Technically, it should be the referral of potential donors (from which tissues will be recovered). I don't know if it's too late to make this change, but I thought it was significant enough to mention.

Sorry I didn't catch it earlier. I'll be traveling Thursday and Friday, so cell phone is the best way to get a hold of me if we need to speak.

Thanks.

George

-----Original Message-----

From: Dalessandro Anthony M [mailto:am.dalessandro@hosp.wisc.edu]
Sent: Tuesday, October 18, 2005 10:06 PM
To: Maroney Lisa A.; pcc@quarles.com; George Herrera; Gina Reese; jsuchman@fmlh.edu; tolsen@fmlh.edu; joan.heimler@aurora.org; kathy.simpson@aurora.org; Martha Anderson
Cc: scott.becher@legis.state.wi.us; debora.kennedy@legis.state.wi.us
Subject: Re: Rep. Wieckert LRB-3498/3

Please find attached LRB-3498/3 with changes based on our conference call yesterday. I have reviewed the latest version, and it appears to reflect the changes we discussed, however, I have a question for Deborah regarding Section 157.06 (4m) (b). Can this be construed as a 'stand alone' provision, giving a coroner authority to deny removal without going through the procedures described in the preceding paragraph (a) 1 and 2 ? Also, should it be stated in (4m)(b) that the coroner or ME, consistent with (4m)(a)2 needs to be present at the removal to order a biopsy or deny removal or is this clear as currently written? I just wanted to be sure that our intent is articulated in the draft language. The objective of this section was to assure that organ donation would proceed if the coroner or ME were given notice and the option to be present. A coroner should only be permitted to deny if he or she is present at the removal and is required to explain his/her reasons in writing for the biopsy or the denial of removal. Please notify me via e-mail or by cell phone at 608-239-1055 if changes that were made based on our conference call are satisfactory. Thanks. Tony

10/18/05 From Tony D'Alessandro

Change 157.06(4m)(b) to require coroner's
or me's presence during ^{organ} removal in order to
deny removal

Put in necessity in determining cause of
death as reqmt for coroner to order
biopsy or deny removal.

10/20/05

From Tony D'Alessandro:

In addition to changes of 10/18/05, should
change 157.06 (4)

p. 5, l. 6: ~~any~~ "referral of donated tissues" shd
be "release [bec is hospital → tissue bank,
under agreement] of potential tissue donor"

p. 5, l. 9: "referral of donated tissues" shd
be "referral of potential tissue donor"

p. 5, l. 14: "shall refer the tissues" shd be
"shall refer the potential tissue donor"

l. 17

"

l. 20

"

Kennedy, Debora

From: Dalessandro Anthony M [am.dalessandro@hosp.wisc.edu]
Sent: Thursday, October 20, 2005 1:14 PM
To: Becher, Scott
Cc: Kennedy, Debora; Maroney Lisa A.; pcc@quarles.com
Subject: LRB-3498/4

Scott, I just spoke with Deborah after speaking with everyone involved and she will be making what I believe to be the final language changes. Thanks again. Sorry I missed you yesterday in Rep. Wieckert's office. Tony

Anthony M.D'Alessandro M.D.
Professor of Surgery
Executive Director UWHC Organ Procurement Organization
Tel: 608-263-2318
Cell: 608-239-1055
Fax: 608-262-9099



(THURS. p.m.)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3498/4

DAK:cjs: [initials]

T
stays

2005 BILL

SAV

Range cat.

1 AN ACT *to repeal* 157.06 (11) and 157.06 (12); *to amend* 157.06 (2) (j), 157.06 (4)
2 (title), 157.06 (4) (am) (intro.), 157.06 (4) (b) and 157.06 (5) (bm); *to repeal and*
3 *recreate* 157.06 (title); and *to create* 157.06 (4m) and 157.06 (4r) of the
4 statutes; **relating to:** anatomical gifts and the powers and duties of coroners
5 and medical examiners.

Analysis by the Legislative Reference Bureau

Currently, an individual who is at least 18 years of age may make an anatomical gift (donation of all or part of his or her body to take effect upon or after he or she irreversibly ceases circulatory and respiratory functions or all functions of the brain). Also, certain members of a decedent's family or his or her health care agent under a power of attorney for health care may make an anatomical gift of all or a part of the decedent's body. If a decedent is within the custody of a coroner or medical examiner and there is no evidence that the decedent made or refused to make an anatomical gift, under certain circumstances the coroner or medical examiner may release and permit the removal of a part from the decedent's body for use in transplantation or therapy.

This bill creates requirements related to removal of a body part from a decedent who is within the jurisdiction of a coroner or medical examiner and who has made an anatomical gift or whose family or health care agent has made an anatomical gift of all or part of the decedent's body. For such a person, a physician may remove a vascularized organ (a heart, lung, liver, pancreas, kidney, intestine, or other organ

BILL

if, in the judgment of the coroner, medical examiner, or designee, the organ may be necessary in determining the cause of death;

that requires the continuous circulation of blood to remain useful for purposes of transplantation) within a time period in which the organ may be preserved for purposes of transplantation if (1) the coroner or medical examiner or his or her designee is first provided notice of the intended removal; and (2) the coroner or medical examiner or his or her designee has the opportunity to be present during the vascularized organ's removal if in his or her judgment the organ may be necessary in determining the cause of death. However, the coroner or medical examiner or designee may order a biopsy of the vascularized organ or deny removal, and, if doing so, must specify any reason in writing. Parts or all of the decedent's body that are anatomical gifts, other than vascularized organs, may be removed by a physician or technician as authorized by the coroner, medical examiner, or designee with jurisdiction over the decedent. A physician or technician who removes cardiovascular tissue from a decedent must, upon request by a coroner or medical examiner, file a report with the coroner or medical examiner. The agency recovering the part must maintain a permanent record of the name of the decedent, the name of any person who made an anatomical gift on behalf of the decedent, the date and purpose of the document of gift, the part removed, and the name of the person to whom the part was released. The agency must, upon request, make this record available to the coroner or medical examiner.

The bill also requires, for a decedent who is within the custody of a coroner or medical examiner and whose death occurred in a hospital, that any referral of tissue be to the tissue bank with which the hospital has an agreement, as required under federal law. For a decedent whose death occurred outside a hospital and who is within the custody of a coroner or medical examiner, tissue may be referred to a single tissue bank if the county board has an agreement with only that tissue bank or on an equal rotating basis to those tissue banks with which the county board has agreements. The tissue bank or tissue banks must be selected by the county board under a request-for-proposals process and must be registered and accredited.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 157.06 (title) of the statutes is repealed and recreated to read:

2 157.06 (title) Anatomical gifts.

3 SECTION 2. 157.06 (2) (j) of the statutes is amended to read:

4 157.06 (2) (j) In the absence of contrary indications by the donor, an anatomical
5 gift of a part of a human body is neither a refusal to give other parts of the body nor

a biopsy is ordered or removal is denied, the coroner, medical examiner, or designee

donor

if he or she is present during the physician's scheduled removal, may

the decedent as a potential

release

as a potential tissue donor

BILL

1 a limitation on an anatomical gift under sub. (3) or on a removal or release of other
2 parts of the body under sub. (4) or (4m).

3 **SECTION 3.** 157.06 (4) (title) of the statutes is amended to read:

4 157.06 (4) (title) ~~NOTIFICATION AND AUTHORIZATION~~ AUTHORIZATION BY CORONER
5 OR MEDICAL EXAMINER; DECEDENT NOT A DONOR.

6 **SECTION 4.** 157.06 (4) (am) (intro.) of the statutes is amended to read:

7 157.06 (4) (am) (intro.) The coroner or medical examiner may release and
8 permit the removal of a part from, a decedent specified in par. (ag) within that
9 official's custody, for transplantation or therapy, if all of the following apply:

10 **SECTION 5.** 157.06 (4) (b) of the statutes is amended to read:

11 157.06 (4) (b) ~~An official releasing, and permitting~~ A coroner or medical
12 examiner who releases, and permits the removal of a part of, a human body under
13 this subsection shall maintain a permanent record of the name of the decedent, the
14 name of the person making the request, the date and purpose of the request, the part
15 of the body requested, and the name of the person to whom it was released.

16 **SECTION 6.** 157.06 (4m) of the statutes is created to read:

17 157.06 (4m) AUTHORIZATION BY CORONER OR MEDICAL EXAMINER; DECEDENT A
18 DONOR. (a) Subject to par. (b), for a decedent who meets the criteria for a
19 determination of death under s. 146.71, who is a donor or of whom an anatomical gift
20 has been made under sub. (3), and who is within the jurisdiction of a coroner or
21 medical examiner under ch. 979, any vascularized organ that is an anatomical gift
22 may be removed by a physician, within a time period compatible with preservation
23 of the organ for purposes of transplantation, if all of the following take place:

24 1. The coroner or medical examiner or his or her designee is first provided notice
25 of the intended removal.

BILL

SECTION 6

specified in par. (a)
If, in the judgment of the coroner, medical examiner, or designee, the vascularized organ may be necessary in determining the cause of death, he or she

1 2. The coroner or medical examiner or his or her designee has the opportunity
 2 to be present during the physician's removal of the vascularized organ if, in the
 3 judgment of the coroner, medical examiner, or designee, the organ may be necessary
 4 in determining the cause of death.

if he or she is present during the physician's scheduled removal; may

5 (b) ~~The coroner or medical examiner or his or her designee specified in par. (a)~~
 6 may order a biopsy of the vascularized organ or deny removal. If the biopsy is ordered
 7 or the removal is denied, the coroner, medical examiner, or designee shall specify, in
 8 writing as part of any death report required under ch. 979, any reasons for
 9 determining that the organ may be involved in the cause of death.

10 (c) For a decedent specified under par. (a), any part other than a vascularized
 11 organ that is an anatomical gift may be removed by a physician or technician, within
 12 a time period compatible with preservation of the part for purposes of
 13 transplantation, as authorized by the coroner, medical examiner, or designee with
 14 jurisdiction over the decedent.

15 (d) A physician or technician who removes cardiovascular tissue from a
 16 decedent under this subsection shall, upon request of the coroner or medical
 17 examiner, file with the coroner or medical examiner a report detailing the condition
 18 of the cardiovascular tissue and its relationship to the cause of death. The report may
 19 include a biopsy or medically approved sample, if available, from the part.

20 (e) If a coroner or medical examiner or his or her designee releases and permits
 21 the removal of a part under this subsection, the recovering agency shall maintain a
 22 permanent record of the name of the decedent, the name of the person, if any, who
 23 made an anatomical gift under sub. (3), the date and purpose of the document of gift,
 24 the part of the body removed, and the name of the person to whom the part was

BILL

1 released. The recovering agency shall make the record under this paragraph
2 available, upon request, to the coroner or medical examiner.

3 **SECTION 7.** 157.06 (4r) of the statutes is created to read:

the decedent as

4 157.06 (4r) AUTHORIZATION BY CORONER OR MEDICAL EXAMINER; DONEE. (a) If a
5 decedent is within the custody of a coroner or medical examiner, and the death
6 occurred in a hospital, any ^{release} referral of ^{a potential tissue donor} donated tissues shall be to the tissue bank with
7 which the hospital has an agreement under 42 CFR 482.45 (a) (2).

the decedent as

8 (b) If a decedent is within the custody of a coroner or medical examiner, and the
9 death occurred outside a hospital, any referral of ~~donated tissues~~ by the coroner or
10 medical examiner shall be made under the following conditions:

a potential tissue donor

11 1. The applicable county board shall have used a request-for-proposals process
12 that considers a tissue bank's history, services, and tissue distribution record in
13 selecting the tissue bank or tissue banks to which the coroner or medical examiner
14 shall refer the ~~tissues~~.

decedent as a potential tissue donor <use 2x>

15 2. a. If the applicable county board has entered into an agreement with only
16 one tissue bank following the request-for-proposals process, the coroner or medical
17 examiner shall refer ^{the} ~~tissues~~ in accordance with the agreement.

18 b. If the applicable county board has entered into agreements with more than
19 one tissue bank following the request-for-proposals process, the coroner or medical
20 examiner shall refer ~~tissues~~ on an equal rotating basis to the tissue banks.

21 3. Tissue banks under this paragraph shall be accredited by the American
22 Association of Tissue Banks and registered with the federal Food and Drug
23 Administration.

decedents as potential tissue donors

24 **SECTION 8.** 157.06 (5) (bm) of the statutes is amended to read:

Emery, Lynn

From: Becher, Scott
Sent: Wednesday, October 26, 2005 10:10 AM
To: LRB.Legal
Subject: FW: Co-sponsorship – Organ & Tissue Donation Modernization Act – LRB 3498

Attachments: 05-34984.pdf

Please jacket LRB 3498

From: Rep.Wieckert
Sent: Wednesday, October 26, 2005 9:48 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship – Organ & Tissue Donation Modernization Act – LRB 3498

TO: All Legislators

FROM: Senator Alan Lasee & Rep. Steve Wieckert

DATE: October 26, 2005

RE: Co-sponsorship – Organ & Tissue Donation Modernization Act – LRB 3498

This bill would improve the efficiency of the organ donation processes in Wisconsin, which would add to the pool of organs and tissues available to help people and save lives.

This bill establishes a number of rules and specific procedures which will help to ensure that those people who chose to donate when they passed away will have their wishes fulfilled.

As the bill progresses, amendments may be considered which will further reflect the interests and concerns of all stakeholders in this life saving process.

This bill is supported by:

- UW-Madison Organ Procurement Organization
- Wisconsin Donor Network, the Milwaukee OPO
- UW Hospital & Clinics
- Froedtert Memorial Lutheran Hospital

If you wish to co-sponsor this bill please feel free to contact Scott Becher at 266-3070 by November 11, 2005.

Analysis by the Legislative Reference Bureau

Currently, an individual who is at least 18 years of age may make an anatomical gift (donation of all or part of his or her body to take effect upon or after he or she irreversibly ceases circulatory and respiratory functions or all functions of the brain). Also, certain members of a decedent's family or his or her health care agent under a power of attorney for health care may make an anatomical gift of all or a part of the decedent's body. If a decedent is within the custody of a coroner or medical examiner and there is no evidence that the decedent made or refused to make an anatomical gift, under certain circumstances the coroner or medical examiner may release

Barman, Mike

From: Barman, Mike
Sent: Wednesday, November 02, 2005 1:37 PM
To: Becher, Scott; Rep.Wieckert
Subject: LRB 05-3498/4 (un-introduced) (attached) (requested by Scott)

Attachments: 05-3498/4



05-34984.pdf (28
KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

Memo

To: Senator Representative Wieckert

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -3498

Version: " / 4 "

Fiscal Estimate Prepared By: (agency abbr.) DHFS

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 11 / 07 / 2005

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal old version (the version that this fiscal estimate was based on), and before
- > **If introduced** ... and the version of the attached fiscal estimate is cover sheet and attached early fiscal estimate into the drafting file ... after estimate was based on), and before the markup of the draft on the update on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate the draft's introduction number below and give to Mike (or Lynn) to f

11/15

-3498

Release once
this is introduced
per Scott

11/11/05
& 11-14-05

THIS DRAFT WAS INTRODUCED AS: 2005 AB 830

Barman, Mike

From: Barman, Mike
Sent: Monday, November 07, 2005 11:50 AM
To: Rep.Wieckert
Cc: Becher, Scott
Subject: LRB 05-3498/4 (un-introduced) (FE by DHFS - attached - for your review)

Attachments: FE_Wieckert.PDF



FE_Wieckert.PDF
(247 KB)