

1 A bill to be entitled

2 An act relating to organ donation and transplantation;
3 amending s. 395.1055, F.S.; revising a provision
4 relating to certain rules adopted by the Agency for
5 Health Care Administration; amending s. 765.5155,
6 F.S.; revising the responsibilities of a contractor
7 procured by the agency for the purpose of education
8 and informing the public about anatomical gifts;
9 amending s. 765.517, F.S.; prohibiting an organ
10 transplantation facility from charging a donor or his
11 or her family member any fee for services relating to
12 the procurement or donation of organs; amending s.
13 765.522, F.S.; revising a requirement that the agency
14 establish rules and guidelines relating to the
15 education of certain individuals designated to perform
16 certain organ donation procedures; amending s.
17 765.543, F.S.; revising the duties of the Organ and
18 Tissue Procurement and Transplantation Advisory Board;
19 requiring the board to submit certain recommendations
20 to the agency by a specified date; amending s.
21 1003.42, F.S.; requiring instruction relating to organ
22 donation and registration for students in specified
23 grade levels; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Section 1. Paragraph (i) of subsection (1) of section 395.1055, Florida Statutes, is amended to read:

395.1055 Rules and enforcement.—

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

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

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

765.5155 Donor registry; education program.—

(3) The contractor shall be responsible for:

(b) A continuing program to educate and inform medical professionals, law enforcement agencies and officers, other state and local government employees, high school students, minorities, and the public about federal and state ~~the laws of~~

51 ~~this state~~ relating to anatomical gifts and the need for
52 anatomical gifts, including the organ donation and
53 transplantation process.

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

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

61 3. The contractor shall, in consultation with the agency
62 and the State Board of Education, develop an instructional
63 curriculum for students in grades 9 through 12 relating to organ
64 donor registration.

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

67 765.517 Rights and duties at death.—

68 (4) All reasonable additional expenses incurred in the
69 procedures to preserve the donor's organs or tissues shall be
70 reimbursed by the procurement organization. An organ
71 transplantation facility may not charge a donor or his or her
72 family member any fee for services relating to the procurement
73 or donation of his or her organs.

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

76 | 765.522 Duty of hospital administrators; liability of
77 | hospital administrators and procurement organizations.—

78 | (3) The agency shall establish rules and guidelines
79 | concerning the education of individuals who may be designated to
80 | perform the request and the procedures to be used in making the
81 | request, including a requirement that such individuals clearly
82 | explain to patients and living organ donors the protocols of the
83 | hospital and the federal and state laws regarding organ
84 | donation. The agency is authorized to adopt rules concerning the
85 | documentation of the request, where such request is made.

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

88 | 765.543 Organ and Tissue Procurement and Transplantation
89 | Advisory Board; creation; duties.—

90 | (3) (a) The board shall:

91 | 1. (a) Assist the agency, in collaboration with other
92 | relevant public or private entities, in the development of
93 | necessary professional qualifications, including, but not
94 | limited to, the continuing education, training, and performance
95 | of licensed health care practitioners and other persons engaged
96 | in the various facets of organ and tissue procurement,
97 | processing, preservation, and distribution for transplantation;

98 | 2. (b) Assist the agency in monitoring the appropriate and
99 | legitimate expenses associated with organ and tissue
100 | procurement, processing, and distribution for transplantation

101 and developing methodologies to assure the uniform statewide
102 reporting of data to facilitate the accurate and timely
103 evaluation of the organ and tissue procurement and
104 transplantation system;

105 3.~~(e)~~ Provide assistance to the Florida Medical Examiners
106 Commission in the development of appropriate procedures and
107 protocols to ensure the continued improvement in the approval
108 and release of potential donors by the district medical
109 examiners and associate medical examiners;

110 4.~~(d)~~ Develop with and recommend to the agency the
111 necessary procedures and protocols required to assure that all
112 residents of this state have reasonable access to available
113 organ and tissue transplantation therapy and that residents of
114 this state can be reasonably assured that the statewide
115 procurement transplantation system is able to fulfill their
116 organ and tissue requirements within the limits of the available
117 supply and according to the severity of their medical condition
118 and need; and

119 5.~~(e)~~ Develop with and recommend to the agency any changes
120 to the laws of this state or administrative rules or procedures
121 to ensure that the statewide organ and tissue procurement and
122 transplantation system is able to function smoothly,
123 effectively, and efficiently, in accordance with the Federal
124 Anatomical Gift Act and in a manner that assures the residents

125 of this state that no person or entity profits from the
126 altruistic voluntary donation of organs or tissues.

127 (b) In addition to the duties described in paragraph (a),
128 the board must submit to the agency, by September 1, 2022,
129 recommendations that address the following:

130 1. Frequency of communication between patients and organ
131 transplant coordinators.

132 2. Monitoring of each organ transplantation facility and
133 the annual reporting and publication of relevant information
134 regarding the statewide number of patients placed on waiting
135 lists and the number of patients who receive transplants,
136 aggregated by the facility.

137 3. Establishment of a coordinated communication system
138 between organ transplantation facilities and living organ donors
139 for the purpose of minimizing the cost and time required for
140 duplicative lab tests, including the sharing of lab results
141 between facilities.

142 4. Potential incentives for organ transplantation
143 facilities to increase organ donation in the state.

144 5. Creation of a more efficient regional or statewide
145 living organ donor process.

146 6. Potential opportunities and incentives for organ
147 transplantation research.

148 7. Best practices for organ transplantation facilities and
149 organ procurement organizations that promote the most efficient
150 and effective outcomes for patients.

151 8. Monitoring of organ procurement organizations.

152 Section 6. Paragraph (u) is added to subsection (2) of
153 section 1003.42, Florida Statutes, to read:

154 1003.42 Required instruction.—

155 (2) Members of the instructional staff of the public
156 schools, subject to the rules of the State Board of Education
157 and the district school board, shall teach efficiently and
158 faithfully, using the books and materials required that meet the
159 highest standards for professionalism and historical accuracy,
160 following the prescribed courses of study, and employing
161 approved methods of instruction, the following:

162 (u) For students in grades 9 through 12, organ donor
163 registration.

164
165 The State Board of Education is encouraged to adopt standards
166 and pursue assessment of the requirements of this subsection. A
167 character development program that incorporates the values of
168 the recipients of the Congressional Medal of Honor and that is
169 offered as part of a social studies, English Language Arts, or
170 other schoolwide character building and veteran awareness
171 initiative meets the requirements of paragraphs (s) and (t).

172 Section 7. This act shall take effect July 1, 2021.