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OREGON ADMINISTRATIVE RULES
DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION
CHAPTER 333

~~DIVISION 300~~

**~~TISSUES, ORGANS OR FLUIDS FOR DIAGNOSTIC, RESEARCH OR
TRANSPLANTATION PURPOSES~~**

~~333-300-0000~~

~~Purpose~~

~~(1) The purpose of this rule is to specify those circumstances under which a medical examiner may remove body tissues, organs or fluids for purposes other than determining cause or nature of death as set forth in ORS 146.113 and 146.117. This rule is not intended to negate in any way the provisions of the Uniform Anatomical Gift Act.~~

~~(2) This rule further establishes the Health Division Review Board, which Board shall be responsible for review and approval of conditions and circumstances surrounding removal and disposition of body tissues, organs or fluids for diagnostic, research or transplantation purposes. The Board shall also assure that appropriate consent is obtained for such removal and disposition in accordance with the Uniform Anatomical Gift Act.~~

~~(3)(a) In addition to removing tissues, organs or fluids for determination of cause of death, the medical examiner may remove additional tissues, organs or fluids for diagnostic, research or transplantation purposes. Such tissues, organs or fluids to be used for diagnostic, research or transplantation purposes will be removed only in accordance with authorization by the Health Division Review Board;~~

~~(b) Any person (as defined in ORS 97.255) seeking tissues, organs or fluids from bodies autopsied by the medical examiner to be used for diagnostic, research or transplantation purposes shall first submit a written request to the Health Division Review Board. This request shall include:~~

~~(A) A specific designation of what tissue(s), organ(s) or body fluid(s) is (are) requested;~~

~~(B) A description of how the tissues, organs or fluids will be used;~~

~~(C) Documentation of Institutional Review Board approval is necessary where tissues will be used for research purposes. However, when tissues are to be used for medical purposes which are considered standard by recognized medical institutions and established medical practices, and not research in nature, documentation necessary for approval will be determined by the Health Division Review Board on a case-by-case basis;~~

~~(D) The number of specimens of tissues, organs or body fluids requested;~~

~~(E) The beginning date and ending date between which the tissues, organs or body fluids will be requested.~~

~~(c) Research projects and the use of anatomical parts by specific persons may be pre-approved by the Health Division Review Board;~~

~~(d) The Health Division Review Board shall approve only those requests for tissues, organs or body fluids that will be used for diagnostic, research or transplantation purposes. Approval shall be further contingent on the proposed project's potential effect on preventing disease or death and the potential number of people affected by the project.~~

~~Requests will not be approved until documentation required in subsection (b) of this section is received;~~

~~(e) The Health Division Review Board shall notify the requesting person of its response to the request in writing. Any authorization shall apply only to the specific tissue(s), organ(s) or body fluid(s), number of specimens, uses of the specimens and beginning and ending dates specified in the formal request;~~

~~(f) Tissues, organs or fluids to be used for diagnostic, research or transplantation purposes shall not be removed from a deceased until written permission has been obtained in accordance with the provisions of the Uniform Anatomical Gift Act (ORS 97.250—97.300);~~

~~(g) The Health Division Review Board shall be composed of the following:~~

~~(A) Position No. 1 shall be the incumbent State Health Officer;~~

~~(B) Position No. 2 shall be the incumbent State Epidemiologist;~~

~~(C) Position No. 3 shall be the incumbent Director of the Public Health Laboratory;~~

~~(D) Position No. 4 shall be a member of the Public Health Advisory Board or other representative of the public and shall be appointed by the Administrator of the Health Division;~~

~~(E) Position No. 5 shall be a Research Scientist and shall be appointed by the Administrator of the Health Division;~~

~~(F) Position No. 6 shall be an Oregon licensed attorney and shall be appointed by the Administrator of the Health Division;~~

~~(G) Position No. 7 shall be an Ethicist and shall be appointed by the Administrator of the Health Division; and~~

~~(H) The incumbent State Medical Examiner shall be a non-voting member of the Board.~~

~~(h)(A) The terms of appointed members shall expire as follows: Positions 4 and 5, January 1, 1988; and positions 6 and 7, January 1, 1989. Upon expiration of these initial terms, appointments shall be made for a term of four years;~~

~~(B) No appointed member shall serve more than three consecutive terms;~~

~~(C) Vacancies occurring in the appointed membership of the Board for any cause shall be filled by appointment for the balance of the unexpired term.~~

~~(i) The Health Division Review Board shall meet at least annually. Other meetings shall be held at such times and places as determined by the chairperson of the Health Division Review Board;~~

~~(j) The Health Division Review Board shall elect a chairperson from among the members. The chairperson shall serve a one-year term and may not be re-elected for more than three terms. The State Health Officer shall act as chairperson during those times when the chairperson is not available;~~

~~(k)(A) The majority of the members of the Board constitutes a quorum for the transaction of business. The concurring votes of the majority of members present are required for any official action or decision of the Board. A majority of the members of the Board must be present for the Board to be called to order. Except in cases where a member's vote would result in a prejudiced, biased or unfair decision or action, no member shall abstain from voting;~~

~~(B) In accordance with applicable governing statutes, the chairperson shall establish the time, date and place for the Board to convene. Proper notice of all meetings, hearings and~~

~~matters requiring notice shall be given to the members of the Board, the news media and all interested persons requesting notice.~~

~~Stat. Auth.: ORS 146~~

~~Stats. Implemented: ORS 146.015(2), ORS 146.113 & ORS 146.117~~