

HEALTH & SAFETY CODE

CHAPTER 49. DONOR EDUCATION, AWARENESS, AND REGISTRY PROGRAM OF TEXAS

Sec. 49.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "Department" means the Department of State Health Services.

(3) "Registry program" means the Donor Education, Awareness, and Registry Program of Texas.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 4, eff. June 18, 2005.

Sec. 49.002. ESTABLISHMENT OF PROGRAM. (a) In consultation with the Department of Public Safety and organ procurement organizations, the department shall establish the Donor Education, Awareness, and Registry Program of Texas.

(b) The department shall enter into an agreement with an organization selected by the commissioner under a competitive proposal process for the establishment and maintenance of a statewide Internet-based registry of organ, tissue, and eye donors. Contingent on the continued availability of appropriations under Subsection (h), the term of the initial agreement is two years and may be renewed for two-year terms thereafter unless terminated in a written notice to the other party by the department or organization not later than the 180th day before the last day of a term.

(c) The Department of Public Safety at least monthly shall electronically transfer to the organization selected by the commissioner as provided by Subsection (b) the name, date of birth, driver's license number, most recent address, and any other relevant information in the possession of the Department of Public Safety for any person who indicates on the person's driver's license application under Section 521.401, Transportation Code, that the person would like to make an anatomical gift and consents in writing to the release of the information by the Department of Public Safety to the organization for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors.

(d) The contract between the department and the organization selected by the commissioner as provided by Subsection (b) must require the organization to:

(1) make information obtained from the Department of Public Safety under Subsection (c) available to qualified organ, tissue, and eye bank organizations;

(2) allow potential donors to submit information in writing directly to the organization for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors;

(3) maintain the statewide Internet-based registry of organ, tissue, and eye donors in a manner that allows qualified organ, tissue, and eye bank organizations to immediately access organ, tissue, and eye donation information 24 hours a day, seven days a week, through electronic and telephonic methods; and

(4) protect the confidentiality and privacy of the individuals providing information to the statewide Internet-based registry, regardless of the manner in which the information is provided.

(e) Except as otherwise provided by Subsection (d)(3) or this subsection, the Department of Public Safety, the organization selected by the commissioner under Subsection (b), or a qualified organ, tissue, and eye bank organization may not sell, rent, or otherwise share any information provided to the registry. A qualified organ, tissue, and eye bank organization may share any information provided to the registry with an organ procurement organization or a health care provider or facility providing medical care to a potential donor as necessary to properly identify an individual at the time of donation.

(f) The Department of Public Safety, the organization selected by the commissioner under Subsection (b), or the qualified organ, tissue, and eye bank organizations may not use any demographic or specific data provided to the registry for any fund-raising activities. Data may only be transmitted from the selected organization to qualified organ, tissue, and eye bank organizations through electronic and telephonic methods using secure, encrypted technology to preserve the integrity of the data and the privacy of the individuals providing information.

(g) In each office authorized to issue driver's licenses or personal identification certificates, the Department of Public Safety shall make available educational materials developed by the

Texas Organ, Tissue, and Eye Donor Council established under Chapter 113.

(h) The Department of Public Safety shall remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. A county assessor-collector shall remit to the comptroller any money collected under Section 502.1745, Transportation Code, as provided by that section. Money remitted to the comptroller in accordance with this subsection that is appropriated to the department must be spent in accordance with the priorities established by the department in consultation with the Texas Organ, Tissue, and Eye Donor Council to pay the costs of:

(1) maintaining, operating, and updating the statewide Internet-based donor registry and establishing procedures for an individual to be added to the registry; and

(2) designing and distributing education materials for prospective donors as required under this section.

(i) Any additional money over the amount necessary to accomplish the purposes of Subsections (h)(1) and (2) may be used by the department to provide education under this chapter or may be awarded using a competitive grant process to organizations to conduct organ, eye, and tissue donation education activities in this state. A member of the Texas Organ, Tissue, and Eye Donor Council may not receive a grant under this subsection.

(j) The department shall require the organization selected under Subsection (b) to submit an annual written report to the department that includes:

(1) the number of donors listed on the registry;

(2) changes in the number of donors listed on the registry; and

(3) the demographic characteristics of listed donors, to the extent the characteristics may be determined from information provided on donor registry forms submitted by donors to the organization.

(k) To the extent funds are available and as part of the registry program, the department shall educate residents about anatomical gifts. The program shall include information about:

(1) the laws governing anatomical gifts, including Subchapter Q, Chapter 521, Transportation Code, and Chapter 692;

(2) the procedures for becoming an organ, eye, or tissue donor or donee; and

(3) the benefits of organ, eye, or tissue donation.

(l) In developing the program, the department in consultation with the Texas Organ, Tissue, and Eye Donor Council shall solicit broad-based input reflecting recommendations of all interested groups, including representatives of patients, providers, ethnic groups, and geographic regions.

(m) In consultation with the Texas Organ, Tissue, and Eye Donor Council, the department may implement a training program for all appropriate Department of Public Safety and Texas Department of Transportation employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the statewide Internet-based registry of organ, tissue, and eye donors. The department shall implement the training program before the date that the statewide Internet-based registry is operational and shall conduct the training on an ongoing basis for new employees.

Added by Acts 1999, 76th Leg., ch. 1516, Sec. 1, eff. Sept. 1, 1999. Renumbered from Sec. 46.001 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(73), eff. Sept. 1, 2001. Renumbered and amended from V.T.C.A., Health and Safety Code Sec. 49.001 by Acts 2005, 79th Leg., ch. 1186, Sec. 4, eff. June 18, 2005.

Sec. 49.003. EDUCATION FOR HEALTH CARE PROVIDERS AND ATTORNEYS. (a) The department shall develop a program to educate health care providers and attorneys in this state regarding anatomical gifts.

(b) The department through the program shall encourage attorneys to provide organ donation information to clients seeking legal advice for end-of-life decisions.

(c) The department shall encourage medical schools and nursing schools in this state to include mandatory organ donation education in the schools' curriculums.

(d) The department shall encourage medical schools in this state to require a physician in a neurology or neurosurgery residency program to complete an advanced course in organ donation education.

Added by Acts 2003, 78th Leg., ch. 801, Sec. 1, eff. Sept. 1, 2003.
Renumbered from V.T.C.A., Health & Safety Code Sec. 49.002 and
amended by Acts 2005, 79th Leg., ch. 1186, Sec. 4, eff. June 18,
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