

Article – Health – General

19-310.

(a) (1) In accordance with § 5-202 of this article, when an individual dies in a hospital, the hospital administrator or a designee of the hospital administrator shall request, with sensitivity, in the order of stated priority, that the individual's representative consent to the donation of all or any of the decedent's organs or tissues as an anatomical donation if suitable.

(2) For the purposes of paragraph (1) of this subsection, the representative of the deceased individual is 1 of the following individuals listed in the following order of priority:

(i) A spouse, but, if not alive or not competent, then;

(ii) A son or daughter who is at least 18 years old, but, if not alive or not competent, then;

(iii) A parent, but, if not alive or not competent, then;

(iv) A brother or sister who is at least 18 years old, but, if not alive or not competent, then;

(v) A guardian.

(3) This subsection does not apply if the decedent has given actual notice of any objection.

(4) Notice of an objection under this subsection shall be recorded in the decedent's medical record.

(5) The hospital administrator or a designee of the hospital administrator and the representative of the deceased patient are entitled to protection from civil and criminal liability as provided in § 4-508(b) of the Estates and Trusts Article.

(b) In all discussions concerning donations of organs and tissues, the hospital administrator or a designee of the administrator shall show reasonable discretion and sensitivity:

(1) To the circumstances of the family of the decedent;

(2) To the religious beliefs of the decedent; and

(3) To the nonsuitability for organ or tissue donation of the decedent.

(c) When a hospital administrator or a designee of the administrator makes a request under subsection (a)(1) of this section, the administrator or representative shall:

(1) Document the request and its disposition by having the individuals described in subsection (a)(1) of this section sign a consent form or give a witnessed telegraphic, witnessed telephonic, or recorded consent to the donation.