

WILLIAM DONALD SCHAEFER, Governor

the hospital administrator or a designee of the hospital administrator shall request, with sensitivity, in the order of stated priority, that the ~~patient's~~ ~~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 ~~patient~~ ~~INDIVIDUAL~~ is one of the following persons INDIVIDUALS listed in the following order of priority:

(i) A spouse, but, if not alive and OR NOT competent, then;

(ii) A SON OR DAUGHTER WHO IS AT LEAST 18 YEARS OLD, BUT, IF NOT ALIVE AND OR NOT COMPETENT, THEN;

(III) A parent, but, if not alive and OR NOT competent, then;

[(iii)] (IV) A brother or sister who is at least 18 years old, but, if not alive and OR NOT competent, then;

[(iv)] (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.

(c) 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.

(d) [If] WHEN a hospital administrator or a designee of the administrator makes a request under subsection (b)(1) of this section, the administrator or representative shall: