

(B) (1) ON OR BEFORE THE OCCURRENCE OF EACH DEATH IN A HOSPITAL, THE HOSPITAL SHALL CONTACT AN APPROPRIATE ORGAN, TISSUE, OR EYE RECOVERY AGENCY IN ORDER TO DETERMINE THE PATIENT'S SUITABILITY FOR ORGAN, TISSUE, OR EYE DONATION.

(2) THE CONTACT AND ITS DISPOSITION SHALL BE NOTED IN THE PATIENT'S MEDICAL RECORD.

(C) (1) THE APPROPRIATE ORGAN, TISSUE, OR EYE RECOVERY AGENCY, IN CONSULTATION WITH THE PATIENT'S ATTENDING PHYSICIAN OR THE PHYSICIAN'S DESIGNEE, SHALL DETERMINE THE PATIENT'S SUITABILITY FOR ORGAN, TISSUE, OR EYE DONATION.

(2) IF THE ORGAN, TISSUE, OR EYE RECOVERY AGENCY, IN CONSULTATION WITH THE PATIENT'S ATTENDING PHYSICIAN OR THE PHYSICIAN'S DESIGNEE, DETERMINES THAT DONATION IS NOT APPROPRIATE BASED ON ESTABLISHED MEDICAL CRITERIA, THIS DETERMINATION SHALL BE NOTED BY HOSPITAL PERSONNEL IN THE PATIENT'S MEDICAL RECORD AND NO FURTHER ACTION IS NECESSARY.

(3) IF THE ORGAN, TISSUE, OR EYE RECOVERY AGENCY, IN CONSULTATION WITH THE PATIENT'S ATTENDING PHYSICIAN OR THE PHYSICIAN'S DESIGNEE, DETERMINES THAT THE PATIENT IS A SUITABLE CANDIDATE FOR ORGAN, TISSUE, OR EYE DONATION, A REPRESENTATIVE OF THE APPROPRIATE ORGAN, TISSUE, OR EYE RECOVERY AGENCY OR A DESIGNATED REQUESTOR SHALL INITIATE A REQUEST UNDER SUBSECTION (D) OF THIS SECTION, IF APPLICABLE.

[(a)](D) (1) [In accordance with § 5-202 of this article] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, when an individual dies in a hospital in accordance with § 5-202 OF THIS ARTICLE, [the hospital administrator or a designee of the hospital administrator] A REPRESENTATIVE OF THE APPROPRIATE ORGAN, TISSUE, OR EYE RECOVERY AGENCY OR A DESIGNATED REQUESTOR 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, OR IMMEDIATELY AVAILABLE, then;
- (iii) A parent, but, if not alive [or not], competent, OR IMMEDIATELY AVAILABLE, then;
- (iv) A brother or sister who is at least 18 years old, but, if not alive or not competent, then;
- (v) A guardian;