

STATE OF CONNECTICUT
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March 13, 2009

To: Senator Jonathan Harris, Representative Ritter and Distinguished members of the Public Health Committee

From: Dr. H. Wayne Carver and Dr. Edward McDonough, Chief/Deputy Chief Medical Examiner

Re: House Bill # 6677- An Act Concerning Anatomic Gifts

Thank you for allowing me the opportunity to address the committee concerning this house bill.

Under CGS 19a-401 et seq. the Office of the Chief Medical Examiner investigates sudden, unexpected and violent deaths in Connecticut. As part of this responsibility, we determine if anatomical gifts should go forward before we examine a body as part of our investigation.

It has been the practice of this office, strongly supported by all of our physicians, that the Office of the Chief Medical Examiner will support organ and tissue donation as much as possible, excepting only those procedures that would prevent us from exercising our primary statutory responsibility. We have established very close working relationships with the two Organ Procurement Organizations (OPO's) serving Connecticut. On occasion, our fiduciary responsibilities interfere with the tissue bank's desire to maximize donations, however; overall, the current system works extremely well.

Therefore, the Office of the Chief Medical Examiner **CANNOT SUPPORT HB6677 specifically, the entire sections 21 and 22.** This degree of detail belongs in internal policy and procedure documents. Simply stated, here in Connecticut, this bill tries to fix problems that do not exist. Memorializing them in statute will deny future medical examiners and OPO's the flexibility to respond to changes in science or the law.

Also, some of this material is outdated. Section 22(f) was tried and abandoned by mutual agreement twenty years ago. Most disturbing however, is that Section 22 (a) would allow any OPO, by fiat, to turn the Office of the Chief Medical Examiner into a mandated reporter. The office was carefully and purposely excluded from the mandated reporter status when the original reporting law was created. We must inform the family that the body must be autopsied in our office. Mandating that we must also tell the family that we are reporting them to an OPO would materially interfere with our ability to establish a relationship with these families.

If the legislature determines that the rest of the bill should move forward, then we propose that section 21 and 22 be changed to read **"The Office of the Chief Medical Examiner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education, as long as this does not interfere with its statutory mandate under CGS 19a400 et seq.**