

Transplant Atlantic Conference

Presentation on Nova Scotia Human Organ and Tissue Donation Act

October 15, 2010

Health


NOVA SCOTIA

Overview of Presentation

- Current Act – Human Tissue Gift Act
- Department of Health Proposed New Act
– Human Organ and Tissue Donation Act
- Consultation Process for New Act
- Current Status of New Act

Current Act – Human Tissue Gift Act

- Donor consent “is binding and is full authority”
- Request for permission requirement for hospitals
- Amendments required for:
 - Ensuring recognition of common law partners as substitute decision makers
 - Not requiring two physicians to determine death of donor for tissue donations
 - Recognizing appropriate costs

Proposed New Act

- Mandates Required Referral and Required Request for hospitals and Chief Medical Examiner.
- Requires annual reports from District Health Authorities to Minister of Health on the number of potential donors not referred
- Reinforces donor consent eg. Nova Scotia Health Card

Proposed New Act (cont'd)

- Enables cardiac death donations
- Ensures consent is obtained for pre-death procedures such as ventilation and medicines
- Recognizes Personal Directives Act authorizations for living donation
- Defines requirements for living donation from an incapable adult or immature minor (court approval required)

Proposed New Act (cont'd)

- Current Act elements maintained in new Act
 - Enables donations for education and research e.g. Dalhousie Medical School and Brain Bank
 - Liability protection – good faith clause
 - Protects privacy (identity) of donors and recipients
 - Offences/penalties for persons who knowingly contravene any provision of the Act
- Permits donors and recipients of organs or heart valves to have contact if both agree in writing
- Permits Cabinet to make regulations if need arises

Consultation Process

- April 2010 – Draft Human Organ and Tissue Donation Act with commentary sent to stakeholders seeking input
- Press Release and Draft Act available to all on Department of Health website at www.gov.ns.ca/health/DonationAct/
- Feedback sought by end of May

Consultation Process (cont'd)

- Submissions received until end of July
- Clarification and additional information sought from some stakeholders
- Amendments to Act prepared for Government consideration – editorial in nature; no substantive changes to date

Current Status

- Department of Health objective is to have the new Act introduced and passed in upcoming Fall session of the Legislature
- Legislature opens October 28, 2010
- Law Amendments Committee process in Legislature enables further stakeholder input on new Act.

Current Status (cont'd)

- After the Act is passed, Government will proclaim the Act to take effect at a later date to allow time for stakeholders to be informed and prepared for implementation of the new Act.
- Anticipation that Cape Breton District Health Authority experience with required referral initiative launched last June will be helpful

Comments
or
Questions