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July 15, 2009

Janice Hicks
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Regulations Implementing the Donor Registry
12 VAC 5-475-10

Dear Ms. Hicks:

I have reviewed the regulations to implement the Virginia Donor Registry. I reviewed the draft of these regulations on February 9, 2009 and sent a number of comments to Kim Barnes. As this draft is identical, my concerns remain the same and are as follows:

1. The definitions section could use some work. The definitions of agent, anatomical gift, decedent, document of gift, donor, eye bank, guardian, organ procurement organization, part, and tissue bank do not match up with the definitions in the Code. The defined terms agent, informed consent, personal information, and UNOS are not used again in the regulations and therefore do not seem necessary to define.
2. In 5-475-30, doesn't 32.1-292.2 also come into play with respect to confidentiality?
3. In 5-475-40, why is 32.1-271.1, which pertains to immunity, referenced here?
4. In 5-475-50, I think there are additional situations like an emancipated minor or one with a driver's license that could be mentioned –or maybe just refer to the Code. Also, under 291.4, can't another person enter another person?
5. In 5-475-70, I think a person may also have a name removed by filing a form with the VTC under 292.2. Should this be mentioned?
6. In the first paragraph of 5-475-90, should the "and" be "or?" Also, why does 54.1-2986 apply?
7. Did someone go through the new statutes with a fine tooth comb to analyze what, if any, other changes should be made?

Please let me know if I may be of assistance with amending these regulations.

Very truly yours,

Robin V. Kurz
Special Counsel