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**State of Wisconsin**  
Department of Health Services

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**DQA Memo 09-010**

**To:** Hospitals

HOSP 03

**From:** Otis Woods, Administrator  
Division of Quality Assurance

**Wisconsin Statutes, Section 157.06, Anatomical Gifts**  
**Wisconsin Administrative Code, Section DHS 124.05(3)(i), Variance**

**Wisconsin Statutes, Section 157.06, Anatomical Gifts**

As many of you are aware, Governor Jim Doyle signed 2007 Wisconsin Act 106 into law on March 17, 2008, codifying the 2006 Revised Uniform Anatomical Gift Act (RUAGA) in the Wisconsin Statutes. The 2006 RUAGA is a uniform body of law developed by the nongovernmental National Conference of Commissioners of Uniform State Laws to standardize anatomical gifts under individual states' laws.

This new law repealed and recreated section 157.06 of the Wisconsin Statutes, effective April 1, 2008. Section 157.06(14m) requires hospitals to follow certain standards regarding the coordination of procurement and use of anatomical gifts. Many of the provisions contained in section 157.06 (14m) are similar to the federal regulations for hospitals at 42 CFR section 482.45, Condition of Participation: Organ, tissue and eye procurement.

The Department of Health Services/Division of Quality Assurance is sending this information to all hospitals and requesting all hospital administrators to inform their staff of their responsibilities under the new law.

The law requires hospitals to do all of the following:

- Enter into agreements with procurement organizations for coordination of procurement and use of bodies and parts that are the subject of anatomical gifts.
- Enter into an agreement with an organ procurement organization to notify the organ procurement organization in a timely manner of individuals whose death is imminent or who have died in the hospital.
- Enter into agreements with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage and distribution of tissues and eyes to assure that all usable tissues and eyes are obtained from potential donors.

- Ensure, in collaboration with the organ procurement organization, that the family of each potential donor is informed of its options to donate organs, tissues or eyes or to refuse to donate organs, tissues or eyes.
- Ensure that the individual who requests family members of potential donors to make anatomical gifts is either an organ procurement representative or has completed a course on the methodology for approaching persons to request that they make anatomical gifts.
- Ensure that the hospital personnel who make requests of family members of potential donors to donate anatomical gifts make the request with discretion and sensibility with respect to the circumstances and beliefs of the families of potential donors.
- Ensure that the hospital works cooperatively with the procurement organizations to educate staff on donation issues, review death records to improve identification of potential donors and to maintain potential donors while testing and placement of anatomical gifts takes place.

The complete text of section 157.06, including definitions and information as to who may make an anatomical gift, as well as the specific requirements for hospitals in section 157.06(14m), can be found at the following link to chapter 157 of the Wisconsin Statutes:

<http://www.legis.state.wi.us/statutes/Stat0157.pdf>

#### **Wisconsin Administrative Code, Section DHS 124.05(3)(i), Statewide Variance**

The provisions of Wisconsin Administrative Code, section DHS 124.05(3)(i), relating to requirements for hospitals regarding anatomical gifts have now been superseded by section 157.06(14m) of the Wisconsin Statutes. Effective immediately, the Division of Quality Assurance issues a statewide variance from section DHS 124.05(3)(i). Hospitals are instead required to comply with the provisions of section 157.06(14m) of the Wisconsin Statutes.

Thank you for your attention to this matter. If you have any questions about this information, please contact Crenear Mims, Director, Bureau of Health Services at (608) 264-9887 or (414) 227-4556.