

# VIRGINIA ACTS OF ASSEMBLY -- 1997 RECONVENED SESSION

## CHAPTER 799

*An Act to amend and reenact §§ 2.1-1.7 and 32.1-297.1 of the Code of Virginia, relating to the Virginia Transplant Council.*

[S 1022]

Approved April 2, 1997

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.1-1.7 and 32.1-297.1 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-1.7. State councils.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies either affiliated with more than one agency or independent of an agency within the executive branch:

Adult Education and Literacy, Virginia Advisory Council for  
Agricultural Council, Virginia  
Alcohol and Drug Abuse Problems, Governor's Council on  
Apprenticeship Council  
Blue Ridge Regional Education and Training Council  
Child Day-Care Council  
Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion  
Commonwealth Competition Council  
Commonwealth's Attorneys' Services Council  
Developmental Disabilities Planning Council, Virginia  
Disability Services Council  
Equal Employment Opportunity Council, Virginia  
Housing for the Disabled, Interagency Coordinating Council on  
Human Rights, Council on  
Human Services Information and Referral Advisory Council  
Indians, Council on  
Interagency Coordinating Council, Virginia  
Job Training Coordinating Council, Governor's  
Land Evaluation Advisory Council  
Maternal and Child Health Council  
Military Advisory Council, Virginia  
Needs of Handicapped Persons, Overall Advisory Council on the  
Prevention, Virginia Council on Coordinating  
Public Records Advisory Council, State  
Rate-setting for Children's Facilities, Interdepartmental Council on  
Revenue Estimates, Advisory Council on  
Southside Virginia Marketing Council  
Specialized Transportation Council  
State Health Benefits Advisory Council  
Status of Women, Council on the  
Technology Council, Virginia  
Virginia Business-Education Partnership Program, Advisory Council on the  
Virginia Recycling Markets Development Council.

B. Notwithstanding the definition for "council" as provided in § 2.1-1.2, the following entities shall be referred to as councils:

Council on Information Management  
Higher Education, State Council of  
Independent Living Council, Statewide  
Rehabilitation Advisory Council, Statewide  
Rehabilitation Advisory Council for the Blind, Statewide.  
*Transplant Council, Virginia*

§ 32.1-297.1. The Virginia Transplant Council.

A. For the purpose of *advising the Board*, conducting educational and informational activities and coordinating such activities as they relate to organ ~~and~~, tissue, *and eye donation*, procurement, and transplantation efforts in the Commonwealth, there is hereby established the Virginia Transplant Council (*the "Council"*). *The Council shall be staffed by an executive director, who shall be a state employee for all purposes. The Council may establish such bylaws as may be necessary for its operation, consistent*

with state and federal law.

B. The membership of the Council shall ~~initially~~ consist of the following organizations, each of whom shall have one vote: ~~the University of Virginia Medical Center, the Medical College of Virginia, the Virginia Organ Procurement Agency, the Eastern Virginia Renal Transplant Program, the Eastern Virginia Tissue Bank, the Old Dominion Eye Bank, the Lion's Eye and Research Center of Eastern Virginia, the Eye Bank and Research Foundation of Virginia and the South-Eastern Organ Procurement Foundation~~ the Bone Marrow Transplantation Program at Medical College of Virginia Hospitals, the Bone Marrow Program at Virginia Blood Services, the Bone Marrow Transplantation Program at the University of Virginia Medical Center, Carolina Organ Procurement Agency, INOVA Fairfax Hospital, Henrico Doctors' Hospital, LifeNet, Life Resources Regional Donor Center, Lion's Medical Eye Bank and Research Center of Eastern Virginia, Medical College of Virginia Hospitals, Old Dominion Eye Bank, Roanoke Memorial Hospitals, Sentara Norfolk General Hospital, South-Eastern Organ Procurement Foundation, University of Virginia Health Sciences Center, Virginia Hospital and Healthcare Association, Virginia's Organ Procurement Agency, and Washington Regional Transplant Consortium, and any successor organization thereof which remains directly involved in activities related to organ, tissue, or eye donation, procurement, or transplantation in Virginia. The Council shall elect, from among its membership, such officers as its bylaws require to serve for the terms established in such bylaws.

C. In order to provide flexibility, ~~viable~~ and coordination and to prevent duplication of efforts, the ~~member organizations~~ Council may agree to include as members ~~of~~ extend nonvoting, associate membership on the Council to representatives of other organizations, agencies, or experts, public or private, who (i) are directly involved in or (ii) provide education or information on organ ~~or~~ tissue, or eye donation, procurement, or transplantation as they deem appropriate. Such other experts membership shall include a representative of a bone marrow transplantation program be extended to the Virginia Departments of Education, Health Professions, and Motor Vehicles, and may be extended to other organizations, agencies, or experts as the Council deems appropriate.

The Board of Health shall be designated as budgetary administrator of the Council and shall receive such funds as may be provided by the General Assembly in the appropriations act. The Board shall provide technical oversight for the Commonwealth of the activities of the Council and shall require such fiscal and substantive reports of the Council as it deems necessary.

D. The Council shall (i) advise the Board regarding the administration of the Council's activities; (ii) conduct and coordinate education and informational activities as they relate to organ, tissue, and eye donation, procurement, and transplantation efforts; and (iii) conduct its activities in consultation and coordination with other organizations whose goals are related to organ ~~or~~ tissue, or eye donation, procurement, or transplantation including, but not limited to, the End Stage Renal Disease Network of the Virginias, the North American Transplant Coordinators' Organization, the National Kidney Foundation of Virginia, the American Liver Foundation, the United Network for Organ Sharing and , the Virginia Heart Association, and successor organizations thereof. To achieve its ~~purpose~~ purposes efficiently and effectively, the Council may conduct its activities ~~through~~ in partnership with its member organizations or may contract for services with appropriate parties.

E. The State Board of Health shall be designated the budgetary administrator of the Council and shall receive such funds as may be provided by the General Assembly in the appropriation act for the operation and administration of the Council. The Board, in consultation with the Commissioner, shall oversee the activities and programs of the Council and shall require the fiscal and substantive reports of the Council to be submitted on or before June 30 of each year.

F. To enable the Council to further its purposes, the Board may, on behalf of the Council, apply for, accept, and expend gifts, grants, or donations from public or private sources. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Transplant Council Education Fund (the "Fund") which shall be administered by the Board, in consultation with the Commissioner. The Fund shall be established on the books of the Comptroller as a revolving fund and shall consist of such gifts, grants, or donations as may be received pursuant to this subsection and any moneys appropriated by the General Assembly to support the Council's education and information programs. Moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

G. In addition to such other reports as may be required by the Commissioner or the Board, on or before September 30 of each year, the Council shall submit a report on its activities, programs, and funding in the previous fiscal year to the Board.

**2. That, consistent with the provisions of § 32.1-297.1 A, the individual serving as the executive director of the Virginia Transplant Council on January 1, 1997, shall, upon the effective date of this provision, be offered such position. Further, between the date of the enactment of this provision and its effective date, the Commissioner shall work with the Council's members and its executive director to develop understanding and agreement on future activities of the Council, to accord appropriate recognition of the Council's work, to revise, as necessary, its bylaws, and to develop a plan for a smooth transition to permanent collegial body status.**