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## HOUSE BILL NO. 330

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions  
on January 26, 2012)

(Patron Prior to Substitute—Delegate Villanueva)

*A BILL to amend and reenact § 32.1-297.1 of the Code of Virginia, relating to the Virginia Transplant Council.***Be it enacted by the General Assembly of Virginia:****1. That § 32.1-297.1 of the Code of Virginia is amended and reenacted as follows:**

§ 32.1-297.1. The Virginia Transplant Council.

A. The Virginia Transplant Council (hereinafter referred to as the Council) is hereby established to fulfill the following duties:

1. To create, compile, maintain, and modify as necessary the Virginia Donor Registry established in § 32.1-292.2 in accordance with the regulations of the Board of Health and the administration of the Department of Health;

2. To conduct public education and information services relating to organ, tissue, and eye donation in the Commonwealth;

3. To coordinate organ, tissue, and eye donation activities in the Commonwealth;

4. To provide a forum for discussion among its members of any issues of which it may be apprised that could impact the effectiveness of its activities and the relationship between the public and its members; and

5. To advise the Board and Department of Health concerning organ, tissue, and eye donation activities, procurement, and transplantation efforts in Virginia.

The Council shall establish such bylaws as may be necessary for its operation, consistent with state and federal law.

B. The membership of the Council shall consist of the following organizations, each of whom shall have one vote: INOVA Fairfax Hospital, Henrico Doctors' Hospital, LifeNet Health, Lion's Medical Eye Bank and Research Center of Eastern Virginia, Mountain Regional Donor Services, Old Dominion Eye Foundation, Inc., Sentara Norfolk General Hospital, University of Virginia Health System, Virginia Commonwealth University Health System, Washington Regional Transplant Community, and any successor organization thereof which remains directly involved in activities related to organ, tissue, or eye donation, procurement, or transplantation in Virginia, and one representative of donor families and one representative of transplant recipients. The Council shall elect, from among its membership, such officers as its bylaws require to serve for the terms established in such bylaws.

The Council shall also elect the representatives of donor families and transplant recipients who shall serve for terms established in the bylaws.

C. In order to provide flexibility and coordination and to prevent duplication of efforts, the Council may agree to 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, tissue, or eye donation, procurement, or transplantation. Such membership (a) shall ~~(a)~~ be extended to the Virginia Departments of Education, *Health*, Health Professions, and Motor Vehicles, and the Virginia Hospital and Healthcare Association; (b) may include at least one representative of the faith community and one representative of local public schools; and (c) may be extended to other organizations, agencies, or experts as the Council deems appropriate.D. In addition to the duties assigned in subsection A, the Council (i) shall ~~(i)~~ inform the Board regarding the Council's activities; (ii) *shall* conduct and coordinate professional education and informational activities as they relate to organ, tissue, and eye donation, procurement, and transplantation efforts; and (iii) as appropriate, may conduct its activities in coordination with other organizations whose goals are related to organ, tissue, or eye donation, procurement, or transplantation. To achieve its purposes efficiently and effectively, the Council may conduct its activities 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 Council*, or the Board on behalf of the Council, may, on behalf of the Council, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Council to further its purposes and carry out its duties, and the Council

60 *may comply with such conditions and requirements as may be imposed on it in connection therewith.*

61 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
62 Donor Registry and Public Awareness Fund (the Fund) ~~which shall be administered by the Board, in~~  
63 ~~consultation with the Commissioner.~~ The Fund shall be established on the books of the Comptroller as a  
64 revolving fund and shall consist of such gifts, grants, or donations as may be received pursuant to this  
65 subsection and any moneys appropriated by the General Assembly to support the Council's education  
66 and information programs. Moneys remaining in the Fund at the end of each fiscal year shall not revert  
67 to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund  
68 and be credited to it. *The Council shall administer funds made available to it from the Fund and shall*  
69 *disburse such funds in accordance with the purposes of this article.*

70 *F. The Council may employ such employees, permanent and temporary, as it may deem necessary for*  
71 *the proper performance of its duties and shall determine their qualifications and duties. Employees of*  
72 *the Council shall be compensated in the manner provided by the Council and shall not be subject to the*  
73 *provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.). Actual expenses incurred by the members*  
74 *of the Council in the performance of their duties and actual costs of hiring and compensating employees*  
75 *of the Council shall be paid from the Virginia Donor Registry and Public Awareness Fund.*

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