



COLLEGE of AMERICAN
PATHOLOGISTS

January 19, 2021

Representative Ian Mackey
Missouri House of Representatives
201 W. Capitol Avenue, 105-J
Jefferson City, Missouri 65101

Re: Requested Amendment to House Bill 131

Dear Representative Mackey:

I am writing to you on behalf of the College of American Pathologists (CAP) regarding technical and scientific concerns with House Bill 131. As the world's largest organization of board-certified pathologists and leading provider of laboratory accreditation and proficiency testing programs, the CAP services patients, pathologists, and the public by fostering and advocating excellence in the practice of pathology and laboratory medicine worldwide. Under Missouri law (§ 58.725), pathologists are exclusively qualified to conduct autopsies.

Our concerns with House Bill 131 are focused on two provisions within the legislation. Section 58.725 (2), which, in our view, require clarification to ensure that the medical examiner or pathologist are not unduly encumbered in the requirement to communicate with the next of kin or family of the decedent regarding the disposition of retained organs or tissues.

With our proposed amendment language below, we are seeking to clarify that the notification requirement only applies to an "intact organ or large tissue specimen." It is important to recognize that "tissue" scientifically speaking is a very broad term which encompasses everything from whole organs to small biopsies to microscopic collections of cells. We don't believe that the sponsor's intent, nor the decedent's family interest is to create a mandate on pathologist notification regarding cellular remains of a non-significant nature, but instead should be focused on the disposition of "intact organs and large tissue specimens," which could hold emotional or religious significance to the decedent's family or next of kin.

2. If a medical examiner or pathologist authorized and employed by the medical examiner retains an intact organ or large tissue specimen ~~or tissue~~ after an autopsy for further examination or testing, the medical examiner shall ~~contact~~ inform the deceased's family or next of kin ~~to inform them~~ of the retention, and ~~describe what will happen to~~ once the examination or testing is complete, a plan for disposition of the organ or large tissue specimen. ~~tissue~~

We also are seeking with the above amendment to clarify that "next of kin" should be appropriate in most cases for the communication of the information or, in cases where such person may be implicated in the decedent's death, a member of the deceased's family. The language strikes the word "contact" which may be construed as overly prescriptive in



COLLEGE of AMERICAN PATHOLOGISTS

requiring a direct interaction and, in lieu thereof, proposing that the obligation on the pathologist be to "inform" the family or next of kin.

Our intention, in total, with the amendments to this section of the bill is to mitigate potentially overly burdensome obligations that will overwhelm the already highly strained medical examiner and autopsy system. We wholly recognize the emotional and delicate nature of communicating information regarding remains of a loved one. However, we think that our proposed changes accomplish the legislative goal of HB 131, while balancing it against the arduous personnel and resource demands of the autopsy system.

In addition, we want to ensure and preserve the clarity of the pathologist requirement currently set forth under Section 58.725, for leading and managing the conduct of the autopsy, by the following insertion of language:

194.116. 1. Any person who assists in the performance of an autopsy, under the direction of a pathologist, and who is not licensed as a physician under chapter 334 shall register with the division of professional registration of the department of commerce and insurance.

We hope these amendments meet with your approval as we believe that what have proposed herein is consistent with your legislative intent. If you have any questions, please contact: Barry Ziman, Director of Legislation and Political Action, College of American Pathologists, 202-354-7117, or bziman@cap.org.

Thank you for your courtesies and consideration.

Sincerely

David Gang, MD, FCAP
Chair, Federal and State Affairs Committee

cc: Chakshu Gupta, MD, FCAP, President, Missouri Society of Pathologists
James R. Gill MD, President, National Association of Medical Examiners
Barry R. Ziman, College of American Pathologists