

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

August 24, 1983

Honorable A. James Manchin
Secretary of State
State Capitol Complex
Building 1, Room W-157
Charleston, WV 25305

Dear Secretary Manchin:

Enclosed are an original and a copy of Procedures for Recovery of Corneal Tissue for Transplant to be filed as emergency procedural rules under the provisions of Chapter 29A, Article 3, Section 15 of the West Virginia Code relating to the filing of emergency rules.

This rule has been promulgated by the State Board of Health under the authority of Chapter 16, Article 19, Section 3a of the West Virginia Code as enacted by the 1983 State Legislature in Senate Bill 56. This rule will enable the Chief Medical Examiner and other individuals identified in law and in the rule to provide corneas for transplant from the body of a deceased person under his jurisdiction to the Medical Eye Bank of West Virginia under certain conditions.

A public hearing on this rule relevant for its implementation under procedures for the filing of procedural rules has been scheduled for September 19, 1983. The earliest possible date of implementation of corneal transplants under this procedural rule is November 20, 1983. The Board has, however, determined that an interim emergency filing of this rule is necessary in order to prevent further delays caused by an acute shortage of voluntary donors for the provision of corneas to individuals to restore their eyesight.

The Board will continue with procedures for regular filing of this procedural rule.

Sincerely,

L. Clark Hansbarger, M.D.
Director of Health

lpk

cc: John Homburg, Counsel
Legislative Rule-Making Review Committee

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE AW 9. 24, 1983
Administrative Law Division

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 8/24/83
Administrative Law Division

[EMERGENCY]
WEST VIRGINIA PROCEDURAL RULES
BOARD OF HEALTH

Chapter 16-19
Series I
(1983)

Procedures for Recovery of Corneal Tissue
for Transplant

[EMERGENCY]
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Procedures for Recovery of Corneal Tissue for Transplant

Chapter 16-19
Series 1
(1983)

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[EMERGENCY]
WEST VIRGINIA PROCEDURAL RULES
BOARD OF HEALTH

Chapter 16-19
Series I
(1983)

Subject: Procedures for Recovery of Corneal Tissue for Transplant

Section 1. General

1.1. Scope - These procedural rules are issued to establish the corneal tissue recovery program under the authority of the chief medical examiners office.

1.2. Authority - These procedural rules are issued under the authority of and are related to Chapter 16, Article 19, Section 3a of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These procedural rules were promulgated on the 19th day of August, 1983, and were filed on the 24th day of August, 1983, in the Secretary of State's office according to the provisions of Chapter 29A, Article 3, Section 15 of the West Virginia Code relating to the filing of emergency rules.

1.4. Effective Date - These procedural rules became effective on the 24th day of August, 1983.

Section 2. Application and Enforcement

2.1. Application - These procedural rules shall apply to the chief medical examiner's office and any technician utilized in the removal of corneas under the conditions and authority of Chapter 16, Article 19 of the West Virginia Code of 1931, as amended.

2.2. Enforcement - The enforcement of these procedural rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Training and Registration of Technicians

3.1. Any technician utilized in the removal of corneas must be registered with the chief medical examiner.

3.2. Registration shall be authorized for only those persons who have been trained for the procedure by the International Medical Eye Bank, Inc., or by an equivalent training program approved in writing by the chief medical examiner.

3.3. Donor cornea retrieval shall only be performed upon medical examiner cases which require autopsy examination.

Section 4. Procedures - The procedures utilized for the treatment, storage and eventual disposition of the corneal tissue will be in accordance with current medical standards pertaining to such tissue removal utilized by the Medical Eye Bank of West Virginia.

Section 5. Severability - If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity thereof shall not affect the provisions or application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.