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Memorandum

To: Oregon Hospitals and Ambulatory Surgery Centers

From: Paul R. Cieslak, MD
Medical Director, Communicable Diseases
and Immunizations

Date: March 8, 2024

Subject: OAR 333-056-0045: Guidelines for Policy Regarding Release of Pathological Waste

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Oregon Health Authority (OHA) has amended Oregon Administrative Rule (OAR) 333-056-0045 in accordance with Senate Bill 189 (2023; incorporated into Oregon Revised Statute [ORS] 459.400), which permits health care facilities to release to the donor or authorized representative human tissue intended by the recipient for cremation, interment, or other final disposition in accordance with ORS Chapter 97. Nothing in this rule exempts facilities from other state or federal laws, including but not limited to the Resource Conservation and Recovery Act, regarding handling of pathological waste.

OAR 333-056-0045 requires facilities releasing tissues under this rule to have and implement a written policy and procedure that specifies how and when they will be released, how compliance with the law will be ensured, how safety will be ensured, and how patients can submit complaints. OHA suggests that facilities opting to release pathological waste in accordance with this new law incorporate into their policies the guidelines below.

Thank you for keeping Oregonians safe while respecting their cultural practices and traditions.

Specify in policy whether, under what conditions, and in what time frame following surgery your facility will release to patients their surgically removed body parts.

Before surgery, assess the patient's desire for removing their body part from the health care facility after the procedure:

- If before surgery a patient requests release of the body part that will be excised, consider whether it would be possible to avoid treating it in a way that would render it "hazardous waste."
- Determine whether the body part can safely be released—i.e., whether or not it would constitute "hazardous waste."
- Advise the patient or authorized representative that the body part may contain infectious pathogens, and instruct the person in its safe handling.

- □ Ask the patient or authorized representative to sign an attestation that the body part is intended to be disposed of in accordance with Oregon law (Oregon Revised Statutes, Chapter 97; see OHA's model attestation document).

Afterwards:

- □ Present the tissue in a sealed, leakproof container with appropriate identifying information.
- □ Assess patient satisfaction using a brief, Likert-like survey, e.g.:
  - Please rate your satisfaction with the process for releasing your anatomical body part back to you (Not satisfied, Somewhat satisfied, Very satisfied)
  - Were you treated with respect and dignity (Yes/No)
  - How could we have improved this process for you?
- □ Include in the survey patient name, date of birth, sex, race, ethnicity, reason for release of anatomical part (e.g., cultural, personal, religious, tribal, etc.)
- □ Forward survey results and attestations to the Oregon Health Authority by mail or fax:
  - ACDP Rules Coordinator
    800 NE Oregon St Ste 772
    Portland, OR 97232
  - confidential fax number: 971-673-1100
- □ Periodically analyze survey results to make process improvements.