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St. Charles Health System (SCHS) Amputation and Tribal Practices Presentation to Tribal Council

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Amputation and Tribal Practices Issue

S	<p><u>Situation</u> St. Charles is bound by Oregon Law including ORS 459.386, which states that all pathological waste, including amputated body parts, must be incinerated within 30 days (if refrigerated, 7 days if not) after amputation. Oregon law also prohibits transport of pathological waste except where the transporter is licensed to do so by the state. The only exception to these disposal requirements is for a placenta that originated from a woman who has recently given birth. Oregon law currently does not allow for the release of amputated body parts to individuals for religious or cultural practices.</p>
B	<p><u>Background</u> Many Native American patients in need of amputation of a limb or removal of an organ, express hesitancy if they are not able to keep their amputated body part for burial. While releasing an amputated body part or limb is not allowable under Oregon law, St. Charles Health System (SCHS) has worked with some patients to have their body part blessed by a Spiritual Leader from Warm Springs (Wilson Wewa) then cremated. The patient is then given the cremated ashes and SCHS absorbs the cost of cremation.</p>
A	<p><u>Assessment</u> While great strides have been made to ensure the patient is informed of Oregon Law prior to amputation and that the patient is able to receive their cremated body parts, we are aware this is not in alignment with some Tribal beliefs and practices. However, we would like to help drive efforts to make an exemption in the law for Native American patients facing limb or organ removal in Oregon.</p>
R	<p><u>Recommendation</u> To aid in helping Oregon Law honor local Tribal practices, the SCHS would like to first make you aware of this issue and second, find ways to work with Warm Springs and other Tribes to change legislation in Oregon.</p>

Oregon Laws: Per ORS 459.386, "Pathological waste" includes "(A) Biopsy materials and all human tissues and (B) Anatomical parts that emanate from surgeries, autopsies and obstetrical and laboratory procedures", among other things. Oregon law states that Pathological Waste must be incinerated within 30 days after generation, assuming that the waste is frozen or refrigerated during that time. Otherwise, the waste can only be stored for a maximum of seven days prior to incineration. An amputated limb is a type of pathological waste and must be safely disposed of pursuant to the disposal requirements set forth in the statute and OAR 033-056-0010 to 0050. The only exception to these disposal requirements is for a placenta that originated from a woman who has recently given birth.

Proposed Legislative Solution: Washington has solved this problem by simply changing the definition of pathological waste. If the legislature is willing to make this change in the law, this would be a simple



solution for SCHS and the Tribes to jointly pursue and would solve the problems here. Under Washington law, "Pathological waste is human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains, and anatomical parts that are intended for final disposition." Rev. Code WA §70A.228.010.