

B. Using a Statutory Outline

As noted above, statutory research ordinarily requires you to research a complete statutory scheme. You will need to locate an additional section of the statute you located for Question A, above, to complete your research into the following matter:

In addition to determining the applicability of state anatomical gifts laws to tendon transplant procedures, you also need to evaluate the medical center's procedures for organ donations. The existing policy places no restrictions on which physicians may participate in an organ donation procedure. You are concerned that this policy may need to be revised to comply with state law.

Often, a code will provide an outline of the sections in a particular chapter or title. A good way to find related code provisions (including the provision you need to answer the questions below) is to use the statutory outline that appears at or near the beginning of the article, subchapter, chapter, or title of the code. (Hint: On Westlaw look for the "Table of Contents" or the hot-linked headings at the top of the statute. In a print set the outline usually appears in the main volume of the code. If the statute has recently been enacted or substantially modified, you may find a full or partial outline in the pocket part or soft cover supplement.)

1. Locate the section of the act addressing which physicians may participate in an organ donation procedure. This information appears in a provision that relates to procurement organizations, and more specifically, addresses rights and/or duties of an organ procurement organization upon the donor's death.

(Hint: for Problem Sets E and K: Locate the section involving rights and duties at death.)

(Hint for Problem Set F: Review the table of contents for the entire act, including Article 5.)

(Hint for Problem Set L: Review the table of contents for the entire act, and locate the section involving rights and duties at death.)

(Hint for Problem Set N: Locate the section concerning physician removal of donated body parts.)

Provide the section number. Which physicians, if any, are prohibited from participating in procedures to remove or transplant a donated organ?

2. Based on what you found, does the medical center need to revise its policy? If not, why not? If so, how does the policy need to be changed?

II. Federal Codes

The process of federal statutory research is similar to the process for state statutory research. To answer the questions below, locate one of the following sources:

United States Code Annotated (U.S.C.A.) in print or Westlaw

United States Code Service (U.S.C.S.) in print or Lexis

United States Code (U.S.C.) in Bloomberg Law

You can research the federal code using a subject index. The subject index will refer you to titles and sections within the federal code that pertain to the subject you are researching. Sometimes Congress names an act. These acts, such as the USA Patriot Act, are known by their popular names. If you know the popular name of an act, you can find its citation in the Popular Name Table in U.S.C.A. or the Table of Statutes by Popular Name in U.S.C.S. These tables list statutes alphabetically by name and will direct you to the title(s) and section(s) where the act is codified.

For this part of the exercise, you are continuing your research into matters affecting the medical center. You need to research the federal code to answer the questions for your problem set. Using *either* the subject index *or* the popular name table for *either* U.S.C.A. *or* U.S.C.S., locate statutory provisions that answer the federal statutory question for your problem set.

If you are conducting research with Westlaw: Follow the link to “Statute & Court Rules” under the “All Content” tab or click on the “Federal Materials” tab to access the USCA. Once you access the USCA, look on the right margin for the list of “Tools & Resources” to find the United States Code Annotated Index and United States Code Annotated Popular Name Table.

If you are conducting research with Lexis or Bloomberg Law: Lexis and Bloomberg Law do not include a statutory index, so you should use the popular names table.

In Lexis, under “Explore Content” choose “Statutes and Legislation,” “Federal,” and then “Codes” to see the USCS Popular Name Table.

In Bloomberg Law, select “Federal Law,” then “Federal Legislative,” and then “United States Code (USC).” Scroll to the bottom of the table of contents and place the cursor over “United States Code (USC) Popular Name Table” to access the search function.

Federal Statutory Question

Problem Set A, B, C, D, & E	<p>You are continuing your review of the medical center’s policies and procedures. The medical center offers ophthalmic services and operates its own optometry office. The individuals who work in the optometry office are licensed by the state to prescribe corrective lenses and dispense glasses and contact lenses. You need to find out whether the optometry office is subject to the Fairness to Contact Lens Consumers Act. Specifically: (1) Are the individuals who dispense contact lenses through the optometry office considered contact lens “prescribers”? (2) Under what circumstances are contact lens “prescribers” required to provide a patient with a written copy of the patient’s contact lens prescription? (Hint: If you search a popular name table online, use the name of the act in quotation marks as your search to locate the entry for the act within the table.)</p>
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