1 ***Section 45 of New Brunswick Regulation 92-84 under the Hospital Act is amended***

(a) by renumbering the section as subsection 45(1);

(b) in subsection (1) of the French version by striking out "d'un patient" and substituting "à patient"***;***

(c) by adding after subsection (1) the following:

45(2) A surgeon, oral and maxillofacial surgeon or dental practitioner shall not provide to a third party any human tissue or foreign body removed from a patient during an operation or curettage.

45(3) Subsections (1) and (2) do not apply to human tissues and foreign bodies set out in Schedule A.

2 ***Section 52 of the Regulation is amended***

(a) by repealing subsection (3) and substituting the following:

52(3) A regional health authority shall ensure that any human tissue or foreign body obtained under paragraph (1)(a)

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(a) is identified at the time of the removal by a member of the medical staff,

(b) is sent to a hospital laboratory

(i) for a preliminary examination to determine if any further examination is required, and

(ii) for further examination, if required.

(b) by adding the following after subsection (3);

52(3.1) Subsections (1) to (3) do not apply to human tissues and foreign bodies set out in Schedule A.

(c) by repealing subsection (4).

3 ***The Regulation is amended by adding the attached Schedule A.***

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Schedule A

Human Tissues and Foreign Bodies

1. Ear, nose and throat surgery: myringotomy tubes, normal tissues from ear cosmetic surgery, otologic devices and appliances

2. General surgery: bezoars, medical devices and hardware, other foreign bodies

3. Gynecology: intrauterine devices, normal placentas from uncomplicated pregnancies

4. Ophthalmology: corneas removed for bullous keratopathy, extraocular muscles and tendons, lenses for cataracts, normal tissues from ophthalmic plastic surgery

5. Oral surgery: dental appliances, material used in dental restoration

6. Orthopaedic: bone provided to the bone bank, orthopaedic hardware and appliances

7. Plastic surgery: fat from liposuction, prosthetic implants not causing disease

8. Urology: foreskins from infants less than three months old, prosthetic implants not causing disease, vas deferens removed for sterilization

9. Vascular and cardiac surgery: prosthetic heart valves, pacemaker devices, excess veins or arteries intended to be used in a graft

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10. Other: radioactive material used in internal radiation therapy

For the purpose of section 1., the surgeon or oral and maxillofacial surgeon shall determine whether tissues from ear cosmetic surgery are normal.

For the purpose of section 3., the surgeon or oral and maxillofacial surgeon shall determine whether a placenta is normal and a pregnancy is uncomplicated.

For the purpose of section 4., the surgeon or oral and maxillofacial surgeon shall determine whether tissues from ophthalmic plastic surgery are normal.

For the purpose of section 7., the surgeon or oral and maxillofacial surgeon shall determine whether prosthetic implants are not causing disease.

For the purpose of section 8., the surgeon or oral and maxillofacial surgeon shall determine whether prosthetic implants are not causing disease.

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