

ASSEMBLY BILL

No. _____

Introduced by Assembly Member: _____

(Principal coauthors: Assembly Members:

(Principal coauthors: Senators:

(Coauthors: Assembly Members:

(Coauthors: Senators:

January 1, 2009

The Organ Donation Enhancement Act

This legislation is created to enhance all existing organ procurement systems, by introducing for inclusion, a sizeable group of potential organ donors that has thus far been overlooked.

A national crisis exists because of the critical demand for organ donations that is currently needed for over 100,000 gravely ill individuals on the national waiting list. While that number grows daily, a person on that list, or one who was removed because he/she was too sick dies every hour. In addition, over 2.5 million Americans die annually, but only a total of 14,400 living and deceased persons donated organs last year. (From UNOS Facts 2008)

The Organ Donation Enhancement Act presents no negative impact on existing organ donation related legislation, and will provide only a positive assistance for those in procurement of organs and certainly those desperately waiting for the gift of life: an organ transplant.

Every day across this land, persons die leaving their organs to be wastefully buried or cremated, and had they only stated their wish to be an organ donor, thousands of lives could have been saved or assisted with organs and tissues.

Responding to this shortage of organ donors, The Organ Donation Enhancement Act provides a process for those having made no known commitment for being or not being an organ donor. The Organ Donation Enhancement Act assists them with a decision to automatically become an organ and tissue donor.

Current Law:

- (a) The State Department of Health Services shall have oversight and regulatory authority with respect to the implementation in this state of the Uniform Anatomical Gift Act.
- (b) The State Department of Health Services shall adopt regulations that provide for the implementation of this chapter. Regulations adopted pursuant to this section shall include, but not be limited to, providing public awareness of being an organ and tissue donor and the importance of informed consent prior to donation.

Proposed Law:

The Uniform Anatomical Gift Act, administered by the State Department of Health Services, provides a procedure under which persons 18 years or older, or a person 15 to 18 years of age and with the consent of a parent or guardian, may donate organs and tissues after death. Measures are also put in place that allow discretion for family members to donate the deceased's organs if the deceased did not specify such a request prior to his/her death.

Existing law requires, near the time of death of a patient, that relatives and medical personnel make an adequate search that the patient has made or declined to make an anatomical gift. Existing law also specifies requirements of a hospital to develop certain protocols in order to effectively implement an organ donor system.

The Organ Donation Enhancement Act, commencing in 2009, provides for a system in which it is acknowledged that a person 18 years of age or older, or a child's parent or guardian, automatically consents to the donation of organs unless the adult or the child's parent or guardian has registered with the "Declined Anatomical Gift Registry" established by this bill.

This bill would provide the assurance that if the deceased person or if the deceased person should be a child and his/ her parent or guardian expressed the intent not to donate or made a written refusal of an Anatomical Gift, the intent and written refusal would be honored.

This bill would also require the State Department of Health Services to create regulations that provide public awareness of the establishment of the "Declined Anatomical" Gift Registry in English, Spanish, and Asian languages.

Existing law establishes in the California Health and Services Agency, the Organ and Tissue Donor Registry, which is required to contain information regarding persons who wish to donate their organs upon death. Existing law creates the Organ and Tissue Donor Registry Fund that is meant to support the registry through appropriations by the legislature.

The existing Organ and Donor Registry and its purpose shall continue to function under the jurisdiction of the California Health Services Agency. The existing structure will be modified to include the "Declined Anatomical Gift" Registry. The "Declined Anatomical Gift" Registry will contain a record of persons who wish not to donate their organs. This bill would create a "Declined Anatomical Gift" Registry Fund within the California Health Services Agency. Existing pre-approved funding by the legislature shall continue and combine the Organ and Tissue Donor Registry Fund with the "Declined Anatomical Gift" Registry Fund.

Current law places requirements on the Department of Motor Vehicles regarding the compilation of information pertaining to the Organ and Tissue Donor Registry. This bill would include the requirements for the "Declined Anatomical Gift" Registry.

Vote: ____ Appropriation: ____ Fiscal Committee: ____ State-Mandates Local Program: ____
Date

The People of the State of California do enact as follows:

A:

- (1) In the United States there are currently almost 100,000 Americans who are awaiting organ transplants, and only 14,400 organs became available last year. (From UNOS Facts, 2008) In California alone 20,000 people are awaiting organ transplants. Of those 20,000 Californians, 67% are of African-American, Asian- American, and Latino descent; however, they only compose 12% of the state registry. Approximately one new patient is added to the national transplant waiting list every 13 minutes and 17 people die waiting because of the organ availability shortage.
- (2) This bill would include an additional statewide organ donor system and it shall be defined as “Automatic Enrollment” into the statewide organ donor registry, unless otherwise indicated by the individual. It would be up to that person to abstain from this registry by filling out necessary forms provided by the California Department of Motor Vehicles and administered by the Department of Health Services.
- (3) If a spouse, parent, or child object to anatomical donation then their requests will be immediately recognized and honored.
- (4) This bill would restructure the state’s current organ donor system in order to increase availability of vital organs to help save lives.

B:

- (1) A person who is 18 years of age or older and dies in this state becomes an automatic donor of all transplantable organs and tissue of his/her body to an organization administered by the Department of Health and Human Services.
- (2) In filling a form with the California Department of Motor Vehicles or the California Department of Health Services, a person who declines to give all or part of his or her body for organ and tissue donation shall be extracted from the system.
- (3) The California Department of Health Services will maintain a registry of those who do not wish to have their organs and/or tissues donated upon death.
- (4) This bill modifies the Organ and Tissue Donor Registry to now include the “Declined Anatomical Gift” Registry.
- (5) If the person is under 18 years of age, then the Department of Health Services must ask a family member or legal guardian for authorization to donate organs.

C:

- (1) This bill will provide existing pre-approved funding by the legislature to administer the Organ and Tissue Donor Registry and the “Declined Anatomical Gift” Registry.
- (2) This added fund is to be called the “Declined Anatomical Gift” Registry Fund.
- (3) This bill mandates that all funds in the Organ and Tissue Donor Registry be combined with the “Declined Anatomical Gift” Registry.

D:

- (1) “Anatomical Gift” means a donation of all transplantable organs and tissue to take effect upon or after death.
- (2) “Donor” means an individual who makes an anatomical gift of all transplantable organs and tissues in individual’s body.
- (3) “Declined Anatomical Gift” Registry means a registry containing information submitted by any person who objects to, or places restrictions upon his/her body, or any specified part of the body being donated after death. And information submitted by a child’s parent or guardian who objects to, or places restrictions upon the child’s body, or any specified part of the child’s body being donated after death shall also be included within the definition “Declined Anatomical Gift” Registry.

Support:

Oppose:

.Supporters of: The Organ Donation Enhancement Act

At the Loma Linda University Medical Center Transplant Institute:

Okechukwa Ojogho, M.D., Director, Transplantation Institute

Pedro Baron, M.D., Director of Pediatric and Adult Liver Transplantation

Zeid Kayali, M.D., MBA, Hepatologist, Medical Director of Liver Transplantation

Richard Swabb, M.D., Board Certified in Internal Medicine-Nephrology

Jill Weissman, Pharm.D., Transplant Pharmacist

Loma Linda University Medical Center

Julia A. Nofrada, RN, Certified Clinical Transplant Nurse

Leigh Aveling, Dmin., MFT, Chaplain-Associate Professor, School of Religion

At Stanford University School of Medicine

Waldo Concepcion, M.D., Chief of Pediatric Kidney Transplantation

At Scripps Green Hospital, La Jolla, California

Donald Hillebrand, M.D., Hepatologist, Medical Director, Liver Transplantation

At the University of South Dakota, Sanford School of Medicine, Sioux Falls, S.Dakota

Adela T. Casas-Melley, M.D., Pediatric/Transplant Surgeon, Sanford Children's Specialty Clinic, Associate Professor-Academic Faculty

At the Nazih Zuhdi Transplant Institute, Integris Baptist Medical Center, Oklahoma

Nicolas Jabbour, M.D., Member, ASTS, Medical Director

At the Cleveland Clinic

John J. Fung, M.D., PhD, FACS, Chairman, Department of General Surgery and Director of the Transplant Center

At the Thomas E. Starzl Transplantation Institute, University of Pittsburgh Medical Center

Raymond M. Planinsic, M.D., Director of Hepatic, Intestinal, Multivisceral Transplantation Anesthesiology

Support (Continued)

At the VA Pittsburgh Healthcare System

Thomas Cacciarelli, M.D., Chief, Liver Transplantation Surgery Program

At the University of California-Davis Medical Center

Lorenzo Rossaro, M.D., Medical Director, Liver Transplant Program, Chief of Gastroenterology and Hepatology

At the University of Southern California Hospital, Los Angeles, California

Yasir A. Qazi, M.D., Medical Director, Kidney-Pancreas Transplant

Kianoush Banaei-Kashani, M.D., Keck School of Medicine of USC, Division of Nephrology

Jay Vidhun, M.D. Department of Nephrology, Kidney Transplantation

At the California Pacific Medical Center

Robert G. Gish, M.D., Medical Director, Liver Transplant Program-Chief: Div. of Hepatology

At the NYU Medical Center (New York University School of Medicine and Hospitals Center)

Lewis Teperman, M.D., Associate Professor, Chief and Director of Transplantation Surgery, Member: UNOS Liver & Intestine Committee, Member: Board of Directors: American Liver Foundation, Latino Organization for Liver Awareness

Phil Berry, M.D., Advisory Committee for Organ Transplantation (ACOT) appointed by Secretary Tommie Thompson, Health & Human Services, 2001-2004, Past President, Texas Medical Association, President, Texas Medical Association Foundation

Leonard J. Morse, M.D., Commissioner of Public Health, Worcester, Massachusetts, Professor of Clinical Medicine, Family Medicine and Community Health, Chairman Emeritus, AMA

Joseph Beezy, M.D., Member: House of Delegates: California Medical Association, Emergency Physician: Kaiser: Panorama City, California

James N. Eustermann, M.D., Board Certified General Surgeon: Diplomat, American Board of Surgery, Fellow, Medical Director, American College of Surgeons

Richard Darling, DDS; Past National Public Citizen of The Year (NASW); Author: Coma Life, (an autobiographical memoir of three liver transplants)

Bill Remak, Chairman, California Hepatitis C Task Force, Secretary, National Association of Hepatitis Task Forces, Member, Board of Directors of the Pharmacy Council on Hepatitis and Liver Disease

Ralph H. Treiman, Past-President, American Liver Foundation, Greater Los Angeles Chapter

Debbie Delgado Vega, Founder, President and CEO, Latino Organization for Liver Awareness (LOLA)

