


[delawareonline](#) [Digital Ink](#) [Spark](#) [Moms](#) [Mobile](#) [Jobs](#) [Cars](#) [Homes](#) [Apartments](#) [Classifieds](#) [Shopping](#) [Dating](#)

WACHOVIA FREE CHECKING comes from the only bank rated #1 in Customer Satisfaction 6 years in a row.



get free checking >
WITH WACHOVIA
MEMBER FDIC

The News Journal, Wilmington, Delaware. [Digital Ink - NEW!](#) [Contact Us](#) [Place Ad](#) [Advertising](#) [Subscribe](#) [News Archives](#) [Corrections](#) [Customer Service](#)



[News](#) | [Business](#) | [Sports](#) | [Opinion](#) | [Entertainment](#) | [Life](#)



[Video](#) | [Mobile](#) | [Spark](#) | [Moms](#)

SEARCH/Delaware

sponsored by: 

SPECIAL REPORT

- Subscribe
- Email Story
- Print Story
- Discuss Story

In Depth



Delaware Politics

Online Extras

- Legislative Record
- Maneuver to spur open-government fails
- New rule on yard waste in effect
- Bill to raise Del. minimum wage introduced
- Eminent domain bill passes
- NCCo wants financial advisory panel
- Charter gender bill OK'd in House
- Bill targets kids' health care premium
- Legislative Record
- Sponsor is aware his bill is doomed to fail

On the Web

- Delaware General Assembly
- Gift of Life Donor Program

Top StoryChat

- Movie tickets hit \$10.00 - 58 Comments
- Abortion battle shifts from rallies to ballots - 262 Comments
- Civic center backers push statewide tax - 41 Comments
- Tragic couple was known for spooky party - 42 Comments

News Choices

- Get Published
- Webcasts
- Wireless
- Text Alerts
- E-Newsletter
- RSS Feeds
- News Archive

HOME > LOCAL

Change in procedure aims to save lives

Under a proposal in the House, all Delawareans would be organ donors -- unless they opt out

By J.L. MILLER and HIRAN RATNAYAKE, *The News Journal*

Posted Thursday, January 24, 2008

DOVER -- When 23-year-old Timothy Layfield died from a sudden onset of meningitis in 2002, he left behind a young daughter and stunned family. As his mother, father, brother and sister mourned in a private room at Christiana Hospital, a representative from Gift of Life asked if they'd be willing to donate his organs.

"You're just kind of numb and you're not thinking about those things when they talk to you," said Anita Layfield, Timothy's mother, who lives in Milford. But Timothy was listed as an organ donor, and his family was unanimous in their desire to uphold his wish.

"He was one of the most giving and kind and caring people, and this would be something he would have wanted to do for other people," Anita Layfield said.

Timothy was among a minority, the less than 40 percent of Delaware drivers who sign up to become organ donors. Some state legislators believe that far more residents share his desire to donate, and that if their good will were tapped, it could reverse a statewide and national organ shortage.

That belief has turned into an effort in Legislative Hall to reverse the "opt-in" organ-donation system in Delaware to an "opt-out" one. Currently, people are given the opportunity to designate themselves as donors by opting into the system when they get or renew their driver's license.

On Wednesday, Rep. Peter C. Schwartzkopf, D-Rehoboth Beach, introduced legislation to automatically make people donors unless they opt out.

Schwartzkopf, who donated one of his kidneys to a friend last year, introduced House Bill 302 at a news conference in Legislative Hall while seated next to co-sponsors Rep. Hazel D. Plant, D-Wilmington Central, and



Anita Layfield of Milford shows her granddaughter Sophia, 8, letters she received from families of patients who received organs from her son, Timothy, Sophia's father, who died of meningitis in 2002. [\(Buy photo\)](#)

The News Journal/GARY EMEIGH



Timothy Layfield's family gave permission for his organs to be donated.



Rep. Peter Schwartzkopf, D-Rehoboth Beach, donated one of his kidneys to a friend. [\(Buy photo\)](#)

The News Journal/BOB HERBERT

Advertisement



winnerporsche.com

WINNER PORSCHE

Find Your Old School [Here](#):

- City -

- State -

Search

[Your High School](#)

Jefferson High School

Ridgemont High School

John Hughes High

classmates.com

EXCLUSIVELY FROM verizon wireless

Get a
Pink or Silver RAZR
for only **\$9.99**

AFTER \$90 ONLINE INSTANT DISCOUNT AND NEW 2-YR. ACTIVATION

Free Shipping



[Learn More](#)

Yes No

Yes No

Yes No

[GET QUOTES](#)

Sen. George H. Bunting Jr., D-Bethany Beach. Both are awaiting kidney transplants.

"Ninety percent of Americans are OK with organ donation, yet in Delaware we only have 38 percent signed up to be an organ donor," Schwartzkopf said. "I think we in Delaware can do better than that."

Bunting said he introduced the bill just before the General Assembly's eight-week recess to give people time to comment and make suggestions to improve it. Under his bill, people would be able to opt out of the system at any time, and donors also could ask that the heart symbol, used to identify organ donors, be left off their license.

As long as people have the ability to opt out of the organ donation program, it's OK to make the change, said Arthur Caplan, chairman of the Center for Bioethics at the [University of Pennsylvania](#).

He said most people are in favor of donating their organs and the system should be set up in a way to help them.

"It's consistent with ethics," he said. "They are simply shifting who carries the burden. Instead of asking if you want to do it, you ask the people who don't want to do it."

Caplan said that the government should be looking at ways to help save lives.

"If the only people bothered by the registration turn out to be from a small religious sect or from some libertarian [mind-set], I'm not sure that justifies keeping the burden the way it is now," he said. "The burden is unfairly distributed right now."

Many nations in Europe have passed "presumed consent" laws, which allow medical personnel to assume that everyone is in favor of donating their organs at death. Like H.B. 302, Spain's law calls for people to actively opt out. Only 2 percent have done so. The law is credited with helping the nation attain the world's highest donation rate.

In Delaware, 38 percent of the state's 721,162 licensed drivers have a donor designation on their driver's license. There are 459 patients in Delaware waiting for a transplant.

Under a 2001 state law that upholds the decision of Delaware residents who make a documented gift of donation, the family of a designated donor cannot revoke the donor's consent after death.

However, Schwartzkopf said, if designated donors have a "living will" or advance medical directive that prohibits the use of a ventilator or other devices to keep them alive -- which sometimes is needed to keep organs viable until a transplant can take place -- the living will would trump the donor designation.

Many people refuse to become donors because they are fearful that they won't get the same standard of care in a hospital, said John Green, spokesman for Gift of Life. The nonprofit organ and tissue donor program serves Delaware, eastern Pennsylvania and southern New Jersey.

"That's absolutely not the case," he said. "Medical professionals are going to do everything they can to save a person's life." Bills such as Delaware's, he said, will at least spur discussion among families about organ donation.

"A lot of people don't understand how many people are actually waiting," he said. "For people who have it on their licenses, it's a welcome relief for their families because they know the decisions of their loved ones and it's one last thing they can do to fulfill that wish."

Dr. Har Ming Lau knows what it means when someone agrees to donate his organs after death.

"If I hadn't gotten my heart at the time I did, I know I wouldn't be sitting here talking to you," said Lau, who received a heart transplant in July 2005.

Lau, who lives in Wyoming, Kent County, doesn't know whose heart he received, other



Dr. Har Ming Lau received a heart transplant in 2005.

[\(Buy photo\)](#)

The News Journal/BOB HERBERT

than that it came from a man roughly his age: 37. But without permission to harvest that man's organs, the donor would have taken a perfectly healthy heart to the grave.

For Lau, getting the heart meant a new lease on life. He was recently engaged, and in addition to his job at the state Division of Public Health, he teaches the Chinese martial art tai chi.

"A lot of folks don't understand the full concept of what organ donation and tissue donation does and how it could help someone like myself," Lau said. "They're making an ultimate gift of life."

Anita Layfield gives talks at churches about Gift of Life. She's been touched by letters from recipients of her son's organs.

A grandmother in need of a kidney had to give up her teaching career because she was so ill. Receiving Timothy's kidney inspired her to go into the seminary, she wrote.

"Thank you for your unselfish and unanimous decision to donate Tim's organs," she wrote. "Because of you, I no longer need to have hours of dialysis treatment three times a week. Because of you, I can enjoy my grandchildren."

A father with a life-threatening heart defect got Timothy's heart. "That gentleman had a daughter and it meant so much to him because now his girl can have a healthy father," Anita Layfield said. "There's no way we can bring Tim back. But the recipients have been a very important part of our journey as a family to help with losing him."

Contact J.L. Miller at 678-4271 or jlmliller@delawareonline.com. Contact Hiran Ratnayake at 324-2547 or hrratnayake@delawareonline.com.

STORYCHAT

[Post a Comment](#) [View All Comments](#)

Posted by: giservice- Thu Jan 24, 2008 3:18 pm

There's just countless reasons why a law like this should never be passed, but then Americans need to take action and fight against the ridiculous laws being forced upon us. I keep saying this...little by little we'll have no freedoms at all. 😞

Posted by: Boxer21- Thu Jan 24, 2008 2:49 pm

From most of the posts I have read, even people who are donors are against this law. Im pretty sure too, that republicans and democrats alike are against this bill. Maybe when the vote comes to the floor in Dover, the good people of this state will be there protesting to reject it. Im not against organ donation, I think its a good thing, but limited government is needed in this country.

Posted by: Aurora- Thu Jan 24, 2008 2:25 pm

I am an organ donor, but I think this idea stinks. I feel you should opt in voluntarily, not have to opt out. I also wonder what happens to those who don't have driver's licenses, or will this only apply to people who do? That part isn't clear. Some people are prohibited by their religious beliefs to have their bodies cut open after death and I don't feel they or their families should have to go through a lot of BS to opt out. I wonder if we didn't have two reps waiting for kidneys if this crap would even have been considered.

Posted by: giservice- Thu Jan 24, 2008 1:58 pm

Oh I'm gonna get sick...better not, big brother will take my nose, liver, and kidney if I do.

Anyone missing an even bigger story here...why on earth does Christiana hospital want organs of someone that died of meningitis????? Not sure about you folks, but dying or not I think I'd pass on those body parts.

Posted by: word to the wise- Thu Jan 24, 2008 1:38 pm

Tree, anytime Defcon, here's to a healthy, long life...and don't wait till death to find that soul...Cheers!

[Post a Comment](#) [View All Comments](#)

Copyright © 2007, The News Journal.

All rights reserved. Users of this site agree to the [Terms of Service](#) and [Privacy Policy/Your California Privacy Rights](#) (Terms updated March 2007). [Questions?](#)