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FISCAL IMPACT REPORT

SPONSOR: Heaton DATE TYPED: 02/10/03 HB 530
 SHORT TITLE: Organ Donation Options SB _____
 ANALYST: Geisler

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
		NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to: SB 239

SOURCES OF INFORMATION

Department of Health (DOH)
 Health Policy Commission (HPC)
 New Mexico Donor Program (NMDP)

SUMMARY

Synopsis of Bill

House Bill 530 (HB 530) would amend Section 24-6A-9.1 NMSA 1978 regarding Organ Donation by requiring hospitals to have written protocols to “provide respectful and sensitive posted notices that inform families of potential donors of the options to donate organs, tissues or eyes, or to decline donation”. The amendment also indicates that hospitals would be required to provide families of potential donors “with written information” of these options.

Significant Issues

The demand for organ, tissue, and eye donations continues to far exceed the supply both nationally as well as in New Mexico. Unfortunately, the “gift of life” is underutilized due to lack of donor and family awareness. The role of the hospital is critical to identify potential donors and to raise the options about donation with the often grieving families in a timely and sensitive manner.

The amendments to the current law contained in HB 530 requiring that sensitive notices be posted and that written information about donation options may be an appropriate step to help increase organ donation.

RELATIONSHIP

HB 530 relates to Senate Bill 239 which would amend Section 66-5-10, NMSA 1978, to require a driver's license applicant who operates a motorcycle without a helmet, and as the result of an accident is pronounced brain dead by a physician, to be an organ donor.

TECHNICAL ISSUES

The original statute allowed a time period for hospitals to develop their protocols. HB 530 does not specify a new time frame for compliance with this amendment.

OTHER SUBSTANTIVE ISSUES

- New Mexico Donor Program (NMDP) is a non-profit community service organization committed to increasing awareness and education of organ and tissue donation among New Mexicans. The organization feels this bill may be redundant and conflicting with the services they currently offer. According to NMDP, written material has been developed by the federal government and is already distributed to every hospital in the state. In addition, trained professionals are readily available to discuss both donor and family options. However, NMDP experience has shown that posted notices may have a negative impact on families, who may feel that the hospitals are not trying hard enough to save the life of a potential donor, but are only interested in harvesting their organs.
- The DOH believes that posted notices and written information can be an effective strategy to some who may not respond well to verbal discussions during their time of shock and grief.
- As of February 10, 2003, there were 278 New Mexicans waiting for transplants. All but one are waiting for kidney transplants. According to the Organ Procurement and Transplantation Network (www.optn.org), of these 278:
 - 65 have been waiting more than a year, but less than 2 years
 - 43 have been waiting more than 2 but less than 3 years
 - 40 have been waiting more than 3 but less than 5
 - 47 have been waiting more than 4 years
- Because of the shortage of donated organs in the U.S., people needing transplants must wait on average 962 days for a kidney, 515 days for a liver, 209 days for a heart and 193 days for a pancreas.
- In the U.S. sixteen people a day die because they do not receive life-saving transplants.

AMENDMENTS

Add a time frame for compliance.

GG/njw