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SENATE MEMORIAL 5

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999

INTRODUCED BY

Pete Campos

A MEMORIAL

REQUESTING THAT THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES RESCIND ITS RULE ON THE ALLOCATION AND DISTRIBUTION OF ORGANS FOR ORGAN TRANSPLANTATION.

WHEREAS, approximately thirty New Mexicans die each year awaiting organs for transplant because of the shortage of organs for organ transplantation; and

WHEREAS, there are approximately three hundred New Mexicans on the waiting list for transplants at the present time; and

WHEREAS, the present system for the allocation and distribution of organs for transplantation that is used throughout the country has been designed by the consensus of transplant professionals, transplant recipients and donor families to serve the interests of the vast majority of patients awaiting transplants, and that system recognizes the appropriateness of considering the geographic location of gift-of-life recipients and donors; and

WHEREAS, the United States department of health and human

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1 services adopted a rule to change that system and require
2 organs to be offered nationally rather than locally or
3 regionally; and

4 WHEREAS, congress included a provision in the fiscal year
5 1999 appropriation bill to delay implementation of the rule at
6 least until October 1999; and

7 WHEREAS, the department of health and human services's
8 rule will alter the current distribution system to the
9 apparent benefit of a small number of transplant centers; and

10 WHEREAS, although New Mexico has organ transplant centers
11 with the expertise to perform organ transplantation in the
12 state, those centers would not benefit from the proposed
13 change; and

14 WHEREAS, the rule will adversely affect the health and
15 well-being of New Mexico citizens by denying them lifesaving
16 transplants or forcing them to travel and reside far from
17 home, at extraordinary expense, and by denying them the care
18 that can be provided by transplant centers in New Mexico; and

19 WHEREAS, other states have reacted to the rule by filing
20 lawsuits to block implementation of the rule or by enacting
21 laws that require in-state donation first;

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
23 OF NEW MEXICO that the United States secretary of health and
24 human services be urged to rescind the rule and let the
25 current system remain in place while the state seek less
damaging solutions to the problem of too-scarce organ
donations; and

BE IT FURTHER RESOLVED that the secretary be encouraged
to redouble the department's efforts to improve the number of

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organ donations nationwide through aggressive education
campaigns and other means; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the Honorable Donna E. Shalala, secretary of
health and human services; the New Mexico procurement
organization; the New Mexico department of health; the New
Mexico hospital association; and the New Mexico medical
society.