

SUBJECT: Educating health care providers and attorneys about human organ donation

COMMITTEE: Public Health — favorable, as substituted

VOTE: 5 ayes — Laubenberg, Dawson, Taylor, Truitt, Zedler

0 nays

4 absent — Capelo, Coleman, McReynolds, Naishtat

SENATE VOTE: On final passage, May 1 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: In 1989, Health and Safety Code, ch. 692 created the Texas Anatomical Gift Act, which not only adopted the national provisions of the Uniform Anatomical Gift Act of 1968 but also enacted specific state guidelines for the process of organ and tissue donation in Texas.

Transportation Code, ch. 521, subch. Q requires the Texas Department of Public Safety (DPS) to distribute donor cards to interested individuals, allowing them to make a statement of gift on their Texas drivers license or personal identification (ID) cards to evidence their intentions with regard to organ, tissue, and eye donation.

In 1999, Health and Safety Code, ch. 49 created the Anatomical Gift Educational Program (AGEP), which requires the Texas Department of Health (TDH) to develop a program to educate residents about anatomical gifts, including information about laws governing anatomical gifts in the Transportation and Health and Safety Codes, and the procedures for and benefits of organ, eye, or tissue donation.

TDH must implement AGEP only to the extent that funds are available. Funding comes from a \$1 fee that individuals may opt to pay when applying for or renewing personal ID cards or driver's licenses (Transportation Code, secs. 521.421(g) and 521.422(c)).

DIGEST: SB 160 would amend AGEF to require TDH to develop a program to educate health care providers and attorneys in Texas about anatomical gifts. The new AGEF requirements would be implemented only to the extent that funds were available through optional driver's license and personal ID card fees, through private donations, or through appropriation.

TDH would encourage attorneys to provide organ donation information to clients seeking legal advice for end-of-life decisions and would encourage medical and nursing schools to include mandatory organ donation education in their curricula. TDH also would encourage Texas medical schools to require physicians in neurology or neurosurgery residency programs to complete an advanced course in organ donation education.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: SB 160 would educate and support medical professionals and attorneys in their efforts to perform an extremely sensitive and important service. As of May 16, there were 5,319 Texans waiting for organs. Organ and tissue donation saves hundreds of lives every year, and while 85 percent of Americans support organ donation, it still can be a tough personal decision. Each year, 300 Texans die while waiting for an organ transplant. While advances in transplantation science are saving more lives than ever, there simply are not enough organs available to provide life saving transplants to the growing numbers of patients who need them.

The success of the organ transplant system depends on selfless gifts from donors and the cooperation of many people, from health providers to families to attorneys. In an emotionally charged situation where life and death decisions must be made quickly, asking a relative of a dying person about organ donation is a difficult and time-sensitive task. Training and education for neurologists and neurosurgeons is extremely important, since many organs come from people who have suffered critical brain injuries. Doctors and nurses often are the first ones to discuss the issue of organ donation with a family, but by encouraging training for attorneys, the bill could facilitate more advance decision making by individuals before an emergency situation arose.

OPPONENTS No apparent opposition.
SAY: