

## **BILL ANALYSIS**

Senate Research Center  
78R13373 JRD-F

C.S.S.B. 1226  
By: Nelson  
Health & Human Services  
4/27/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

C.S.S.B. 1226 provides for the formation of a kidney sharing pool and distribution of kidneys to the longest waiting patients.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 161, Health and Safety Code, by adding Subchapter R, as follows:

#### **SUBCHAPTER R. ALLOCATION OF KIDNEYS AVAILABLE FOR TRANSPLANT**

Sec. 161.451. DEFINITION. Defines "organ procurement organization."

Sec. 161.452. FORMATION OF KIDNEY SHARING POOL AND DISTRIBUTION TO LONGEST WAITING PATIENTS. (a) Provides that, under the system for allocating kidneys available for transplant in this state, to the extent allowed by federal law, a statewide pool of 20 percent of the kidneys from deceased donors of each blood type recovered by each organ procurement organization that has a defined service area that includes all or part of this state is provided to a special pool for redistribution to patients who have been waiting the longest for transplantation in this state.

(b) Provides that medically eligible patients with low panel reactive antibodies of less than 10 percent who, in terms of accumulated waiting time, comprise the top 20 percent of all patients waiting will be put in a pool. Provides that as one of those patients receives a transplant, the patient will be replaced in the pool, in turn, by the next longest waiting patient. Provides that only accumulated waiting time will be used to establish priority access to the pool.

(c) Provides that with the exception of assigning points for a six antigen match with zero antigen mismatch, assigning points for human leukocyte antigen (HLA) match will be eliminated by organ procurement organizations that are participating in the pool established under Subsection (a).

(d) Provides that after a patient has qualified for entry into the pool established under Subsection (b), the order of distribution is based solely on the length of time each patient has waited.

(e) Provides that use of the pools will be managed by the federal Organ Procurement and Transplant Network.

(f) Provides that a panel of appropriate physician specialists of Texas' Organ and Procurement Transplant Network members will monitor the listing of patients and the appropriate use of the pools.

SECTION 2. Requires organ and procurement organizations that have a defined service area that includes all or part of this state and that are members of the Organ Procurement and Transplant Network (OPTN), and transplant centers in this state that are members of the OPTN, to submit to the OPTN a kidney sharing agreement not later than the 180th day after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2003.