

1999 HOUSE HUMAN SERVICES

HB 1198

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1198

House Human Services Committee

Conference Committee

Hearing Date January 18, 1999

Tape Number	Side A	Side B	Meter #
1		X	8.4 - 36.3
Committee Clerk Signature <i>Susann Lindteigen</i>			

Minutes:

Chairman Rep. CLARA SUE PRICE called the committee to order at 11:15 AM.

Rep. GEORGE KEISER, District 47, testified. (Organ donor brochure attached). Asked if anyone in the room was an organ donor and what does it mean?

Rep. ROXANNE JENSEN responded to the question.

Rep. KEISER said his understanding was that by signing the driver's license donor line that his organs would be used for transplant purposes. In Bismarck there are, on the average everyday, 11 people from whom organs could be harvested but in reality only 2 people who have organs harvested. Dr. Gilberto Gonzales thought this is incredible. The hospital doesn't look at the driver's license when people come in. They do not harvest the organs if a person is brain dead. They do not take action until they obtain the signature of the next of kin or a responsible party. That is because of public relations. No medical facility wants to be known as being interested in

harvesting organs. Current law gives the authority to harvest the organs if the card is signed regardless of what the next of kin desires. Pennsylvania is the only state that has taken a strong position and follows what the federal law says. ND has adopted the federal law. This bill requires hospitals to inform the organ bank and a second card be issued that accompanies the drivers license, signed by the individual and next of kin. This will get people to talk to next of kin about organ donor wishes. Hospitals said they need education and information to better the organ donor program.

Rep. TODD PORTER asked is there any other law that limits liability of the hospital that is following the wishes of the deceased? Re. KEISER said that Legislative Council as well as the Attorney General Office response is that it can already be done legally. The public relations issue is the hospital's gravest concern. Correlate this action with a living will.

Rep. PAT GALVIN asked is there a certain type of physician that can do the procedure? Rep. KEISER said that is out of my expertise, but there is strict protocol that hospitals follow.

Rep. RALPH METCALF asked if the real gist of this bill is on page 3, lines 19-20. Rep. KEISER said that's exactly right.

Rep. WILLIAM DEVLIN asked what is required of the hospital when a person dies? Rep. KEISER said federal law requires that a potential donor be reported upon being determined if brain dead and eligible for contributing. It requires a report be filed with donor bank. But the local facilities do not do anything until they get in contact with the next of kin. Rep. WILLIAM DEVLIN asked if there is a procedure in this bill where the hospital can remind the family that this person wished to donate their organs? Rep. KEISER stated he didn't know if this bill addresses that issue.

Rep. CLARA SUE PRICE asked about the instance when someone comes in without their wallet. What do you foresee as the correct steps at this point? Rep. KEISER stated he believes this bill has strength. With the hospital's current procedure, they won't take steps anyway. Rep. CLARA SUE PRICE asked what if we expand the living will? Rep. KEISER said that Dr. Gonzales wanted that, but Department of Transportation asked about the registry which always changes, difficult to maintain, costly, fiscal note. Hospitals are concerned with litigation because they will be responsible for keeping a living will registry.

Rep. RALPH METCALF asked do hospitals automatically check with everyone where they could remove organs? Rep. KEISER said they make every reasonable attempt to do that. Rep. RALPH METCALF stated concern about people who have been approached to do that. Rep. CLARA SUE PRICE stated that in her situation the physician did come in and told the family that they were required to inform the family of the organ donor program.

Rep. CLARA SUE PRICE left hearing open for additional testimony because Rep. KEISER was not informed of the hearing date.

PENNY WESTON, Registered Nurse, answered committee's questions. When patient is admitted to hospital (1) we are required to inquire if they have a living will, (2) what are their wishes, and (3) what is contained in the living will. Many times we never get that advanced directive to the hospital before the patient is discharged.

Morticians harvest cornea organs or hospital trained staff harvest organs.

Rep. CHET POLLERT asked do the nurses have a position on this bill? Ms. WESTON stated they did not have a formal position but do support organ donation. Education is an issue and to encourage people to have advanced directive or living will with them.

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Rep. BRUCE ECKRE stated the average person killed in car accidents is 15-20 years of age and they have the best organs for transplant. Maybe we should start education at the high school level. Ms. WESTON stated they do education in schools.

OPPOSITION - None

Hearing Closed.

1999 HOUSE STANDING COMMITTEE MINUTES

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House Human Services Committee

Conference Committee

Hearing Date January 19, 1999

Tape Number	Side A	Side B	Meter #
4		X	19.0 - 24.4
Committee Clerk Signature <i>Susan Lindsteigen</i>			

Minutes:

Committee Discussion.

Rep. TODD PORTER asked about the liability issues on facilities. I don't think we have enough information to make a decision. Doctors want to come and talk and give additional testimony at 3:00 PM on January 20, 1999.

Rep. BRUCE ECKRE said this bill doesn't do anything that can't be done already.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1198

House Human Services Committee

Conference Committee

Hearing Date January 20, 1999

Tape Number	Side A	Side B	Meter #
5	X		0.0 - 21.6
Committee Clerk Signature <i>Susann Lindteigen</i>			

Minutes:

Rep. GEORGE KEISER, District 47, introduced people from the organ donor technical field. IONE ECKROTH, MedCenter One, Bismarck, presented testimony on the organ and tissue program. Approach the family and offer an organ request form and answer any questions by family. We need a signed donor card which would make it easier for the family. We encourage the signed card for communication to begin between family members. It would lessen the emotional burden.

Rep. BRUCE ECKRE asked if federal law already allows this and are there a pool of people already trained in this area? IONE ECKROTH stated they like to have the next of kin's approval.

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Rep. RALPH METCALF and Rep. ROBIN WEISZ asked about hospital protocol? IONE

ECKROTH stated the language is in federal law and the hospitals are audited to determine if they are in compliance. We encourage hospitals to ask for donor card.

Dr. GILBERTO GONZALES, Retired Surgeon, Chairman Organ Donor Program, stated that to present a donor card is not enough. When a person dies, is not the time to talk about organ donation. That is the time for bereavement. The hospitals need a card signed by next of kin. In Massachusetts, they have a sticker on the drivers license that needs to be signed by the next of kin. This would enlarge the donor pool.

ROBERT BURNS, Registered Nurse, St. Alexius Hospital, testified on the family organ donation program. The language in this bill is difficult for care givers. Organs are not harvested until person is declared brain dead and then hospitals follow protocol. I support the enhanced donor card which would require two signatures. This would promote communication between next of kin.

You can also call Life Source - Minneapolis to review the language 1-800-24SHARE.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1198

House Human Services Committee

Conference Committee

Hearing Date January 25, 1999

Tape Number	Side A	Side B	Meter #
2		X	1.4 - 17.8
Committee Clerk Signature <i>Susann Lindteigen</i>			

Minutes:

Committee Discussion

Rep. CLARA SUE PRICE asked about Page 2, line 17.

Robert Burns, Critical Care Nurse, thought its premature.

Rep. TODD PORTER stated Sec. 4 is confusing and that he has not ever searched. Only 7-8 of the 130 ambulances have paramedics on them. Current statute only covers them. Police officers said EMT should not do search and leave that to law enforcement.

Rep. ROBIN WEISZ said this bill won't change anything because hospitals want family approval. An education program would be better.

Rep. WILLIAM DEVLIN stated that the question of organ donor should be asked upon admittance and stated on the form.

Rep. BRUCE ECKRE stated the need to change public relations.

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House Human Services Committee

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Hearing Date January 25, 1999

Rep. DALE HENEGAR move DO NOT PASS.

Rep. ROBIN WEISZ second the motion

Further committee discussion.

ROLL CALL VOTE #5: 14 yeas, 1 nay, 0 absent

Carrier: Rep. PAT GALVIN

Date: 1-25-99
Roll Call Vote #: 5

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1198

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Dale Henegar Seconded By Robin Weisz

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairman	X		Ralph Metcalf	X	
William R. Devlin	X		Carol A. Niemeier		X
Pat Galvin	X		Wanda Rose	X	
Dale L. Henegar	X		Sally M. Sandvig	X	
Roxanne Jensen	X				
Amy N. Kliniske	X				
Chet Pollert	X				
Todd Porter	X				
Blair Thoreson	X				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Galvin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 25, 1999 4:41 p.m.

Module No: HR-15-1155
Carrier: Galvin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1198: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1198

Make a very important difference in someone's life.

Signing a donor card signifies your commitment to renewing the life and health of others in need. In the event of your death, your family will be asked what your wishes were. Now is the time to discuss this important issue with them. The gift of organ and tissue donation can truly be a gift of life for someone else.

1. Talk to your family about this important decision
2. Fill out this donor card in the presence of two witnesses and sign your name in the space provided.
3. Have both witnesses sign their names in the spaces provided.
4. Carry this card in your purse or wallet where it can be easily found.

Donor Card

This is a legal document under the Uniform Anatomical Gift Act or similar laws, signed by the donor and the following two witnesses in the presence of each other.

Donor's signature _____

Donor's date of birth _____ City & State _____

Witness _____ Witness _____

Next of kin _____ telephone _____

This is a legal document under the Uniform Anatomical Gift Act or similar laws, signed by the donor and the following two witnesses in the presence of each other.

Donor's signature _____

Donor's date of birth _____ City & State _____

Witness _____ Witness _____

Next of kin _____ telephone _____

You probably already know somebody who has benefited from having a transplant. In fact, you, or someone close to you may need a transplant someday, because it can happen to anyone at any age.

Organ and tissue transplantation is one of this century's medical triumphs. It has become a routine practice that can dramatically improve—and even save—the lives of those suffering from vital organ failure, or those suffering from bone defects, burns and blindness. Thanks to people like you, who make the commitment to give others a second chance, transplant recipients return to living normal, productive lives.

One ORGAN DONOR can save the lives of 8 people



For Rotarians, this becomes a challenge equal to the challenge of Polio Plus. If the "Give of Yourself" program can challenge every Rotarian to discuss organ donation with their family, and rally other club members to do the same, Rotarians can literally stop deaths from occurring among those waiting on the list to receive a human organ.

LifeSource is.....

the nonprofit organ donation program for Minnesota, North Dakota, South Dakota, and portions of Wisconsin.

**Be an Organ Donor...
It's the chance of a lifetime!**

For more information about organ donation, call LifeSource at (612) 603-7800 or 1-800-24-SHARE (1-800-247-4273).



HB 1198

Give of Yourself



The most precious gift you can give someone is the gift of life itself, and that's exactly what you do by becoming an organ/tissue donor. But the simple truth is that there are not enough people who are making this life-giving choice.

Every year in the United States, more than 100,000 children and adults are forced to wait and hope for a chance to live normal, healthy lives. When you make an organ/tissue donation, you are providing these mothers and fathers, sons and daughters with a second chance for life.

GIVE OF YOURSELF!!

tissue donation

Anyone can become an organ donor.

1 Just by making your wishes known to your family, you can become an organ and tissue donor. Old age or a history of disease does not mean you can't donate. Organs and tissues that can't be used for transplants can often be used to help scientists find cures for serious illnesses

Many organ and tissues can be donated.

2 The heart, lungs, liver, kidneys, intestines, and pancreas as well as corneas, bone, skin, heart valves and blood vessels are some of the organ and tissues that can be used to help improve the quality of life for people needing transplants or other surgical procedures.

Signing a donor card will not affect the care you receive at the hospital.

3 If you are injured and brought to an emergency room, you will receive the best possible care, whether or not you have signed a donor card. Donation procedures begin only after all efforts to save your life have been exhausted, and death has been declared.

The organ transplant system is fair.

4 The distribution of donated organs allows equal access for all patients awaiting a transplant in the United States. The National Transplant Act mandated the establishment of a national computer system for organ sharing that is based on need and availability.

donation.

5 Many faiths openly encourage it, seeing this as a final act of giving and as an expression of hope on the part of the donor.

Organ and tissue donation does not eliminate the possibility of a regular funeral service.

6 A traditional, open casket funeral service can still take place even though many organs and tissues have been donated. The surgical procedures used are performed by highly skilled professionals, and great care is taken to prevent any change in the donor's appearance.

The donor family incurs no expenses for the donation.

7 There is no charge to the donor's family or to his or her estate for the donation. All costs involved in organ donation are the responsibility of the transplant recipient and his or her health insurance company.

Follow these simple steps to become an organ and tissue donor.

8 First discuss organ and tissue donation with your family. It is important that your loved ones are informed of your decision. Then sign a donor card in the presence of two witnesses and carry it with you at all times.



This is to inform you that I want to be an organ and tissue donor if the occasion ever arises.

Please see that my wishes are carried out by informing the attending medical personnel that I am a donor. My desires are indicated below:

In the hopes that I may help others, I hereby make this gift for the purpose of transplant, medical study or education, to take effect upon my death.

FULL NAME: _____

Please type or print full name of donor.
In the hope that I may help others, I hereby make this gift for the purpose of transplant, medical study or education, to take effect upon my death.

I give: Any needed organs/tissues
 Only the following organs/tissues

Specify the organ(s) tissue(s): _____

Limitations or special wishes if any: _____

FULL NAME: _____

Please type or print full name of donor.
In the hope that I may help others, I hereby make this gift for the purpose of transplant, medical study or education, to take effect upon my death.

I give: Any needed organs/tissues
 Only the following organs/tissues

Specify the organ(s) tissue(s): _____

Limitations or special wishes if any: _____
