

**REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

# **Ways to Increase Participation in Organ Donor Programs**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **House Document No. 34**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1985**

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**Report of the  
Joint Subcommittee Studying the**

**Ways to Increase Participation in**

**Organ Donor Programs**

**To**

**The Governor and the General Assembly of Virginia**

**Richmond, Virginia**

**March, 1985**

To: Honorable Charles S. Robb, Governor of Virginia,  
and  
The General Assembly of Virginia

**I. ORIGIN OF THE STUDY**

During the 1984 Session of the General Assembly, several bills focusing on concerns about organ donations and how they should be encouraged were introduced in the House of Delegates. The need for organ donations had become a national issue with the introduction in the House of Representatives of H.R. 4474 (which has since been passed and will establish the United Network for Organ Sharing) and the proposal put forward by a Virginian to broker the purchase, sale and distribution of organs for transplantation. As a result of the latter proposal, House Bill No. 231 was introduced and passed. This bill, which became § 32.1-289.1 of the Code of Virginia, prohibits the purchase and sale of body parts.

Although the adverse reaction to the proposal to solicit, buy and sell human organs from living individuals was strong, there still remained a concern among members of the Virginia General Assembly for the inadequacy of public participation in organ donor programs. Because of this concern, Delegate Mitchell Van Yahres introduced House Joint Resolution No. 160 proposing a joint legislative study of ways to increase participation in organ donor programs (see Appendix A).

House Joint Resolution No. 160 requested the appointment of a joint legislative subcommittee to examine:

1. The need for organ transplants in the Commonwealth; and
2. Ways that participation in organ donor programs can be improved.

The joint subcommittee was directed to consult with relevant groups and to complete its work in time to make its recommendations to the 1985 Session of the General Assembly.

**II. RELEVANT LAW IN VIRGINIA**

Since 1970, the Anatomical Gift Act, §§ 32.1-289 et seq. of the Code of Virginia, has provided the mechanism for the donation of body parts or the entire body after death. These statutes provide that any person capable of informed consent and eighteen years old or older may donate part or all of his body by will or other written document (such as the Universal Donor Document) which has been witnessed and signed by two people. If no donor document has been executed, the next of kin may give consent for anatomical gifts. Section 32.1-290 sets out the order of priority of the classes of persons, beginning with the spouse, who may give this consent.

This donation may be made to a specific donee; however, a physician/donee may not participate in the removal or transplantation of an organ. Further, the attending physician or the physician who determines the death of the donor can not participate in the recovery or transplantation of any part. The "time of death" must be determined and this determination must comply with the provisions of § 54-325.7.

In addition to physicians, certain groups are authorized to recover particular tissues. For example, technicians approved by the Eastern Virginia Tissue Bank are authorized to recover skin and bone, and those approved by the University of Virginia Skin Bank are authorized to recover skin. Funeral service licensees and embalmers are also authorized to recover certain tissue if they have completed a program provided by the University of Virginia. The Medical Examiner is authorized to provide organs and tissue from bodies subject to investigations if consent has been obtained. New § 32.1-289.1 prohibits the sale or purchase of body parts, but allows reimbursement of expenses associated with the recovery and preservation of organs.

The donor card may be filed with the donee, if desired. However, this is seldom, if ever, done. The donor document may be amended or revoked in much the same manner as any other will - by execution of another document, oral statement in the presence of two people and communicated to the donee, oral statement to an attending physician which is communicated to the donee, or simply destruction of the document. The donee may reject the gift if for some reason the donor is not appropriate for transplantation. Following tissue or organ recovery, the rest of the body must be turned over to the next of kin for burial.

Section 46.1-375 was passed into law in 1976 as House Bill No. 2, patroned by Delegate James B. Murray. This section provides that the Universal Donor Document must be included on every driver's license in Virginia. This document, which is printed on the back of the driver's license, allows an individual to express his specific intent on organ donation. The individual may choose to donate any and all needed organs or parts or may choose to donate specific organs. The donee may be designated in the document. Two witnesses must also sign the card.

In Virginia, a person is "deemed medically and legally dead" if spontaneous respiratory and cardiac functions or spontaneous brain and respiratory functions are absent and cannot be successfully restored (see § 54-325.7 of the Code of Virginia ). A determination of brain death must be made by a specialist in neurology, neurosurgery or electroencephalography and another physician of any specialty, either of whom might be the attending physician.

### III. BACKGROUND RESEARCH

To understand state and national organ procurement mechanisms and their problems and to formulate proposals for ways to increase public participation in organ donor programs, representatives of the following groups were interviewed: the Medical College of Virginia Transplant Program (Dr. H. M. Lee, Chairman of the Clinical Transplant Program, Ann Martin, Procurement Coordinator and Herb Teachey, Administrator/Procurement Coordinator); Eastern Virginia Transplant/Virginia Organ Procurement Agency and the Eastern Virginia Tissue Bank (Dr. Richard L. Hurwitz, President of the Board of Directors of VOPA, President of the Board of Directors of the E.V.T.B. and Medical Director of the Renal Transplant Program, Norfolk General Hospital, William Anderson, Eastern Virginia Procurement Coordinator for VOPA, Helen Leslie, Eastern Virginia Procurement Coordinator for VOPA and Christina Bourgeois, Procurement Coordinator for the Shenandoah Valley); the University of Virginia Renal Transplant Program (Dr. Frederick Westervelt, Professor of Internal Medicine and Head of the Renal Division, Lyna Watson, Administrator of Renal Services and Clarence White, Procurement Coordinator); and the South-Eastern Organ Procurement Foundation (Gene Pierce, Executive Director and the staff of the Organ Center). In addition, Norma Szakal, staff attorney for the Subcommittee, accompanied the MCV coordinators to observe an organ procurement and a transplant.

### IV. HOW ORGAN PROCUREMENT WORKS IN VIRGINIA

Organ procurement is accomplished in Virginia and throughout the nation by "coordinators" who are trained to approach the families of individuals who die by accident, homicide or suicide. The coordinators are never physicians, but are often nurses, or people with backgrounds in basic science or psychology. The coordinators are given the difficult and emotionally charged job of approaching the family regardless of the existence of a donor card. The American Society of Transplant Surgeons' unwritten policy is to obtain written consent from the next of kin even if an individual has signed a donor card. Also, for many legal, ethical and sociological reasons, the signatures on the donor cards have not been operative as legal commitments. The donor card, if signed, does serve the very useful purpose of being a focal point for reflection and discussion with the family.

The coordinators are usually "on call" twenty-four hours a day and could be said to live their work rather than hold a job. The coordinators state in strong terms that their job is not to "persuade" the family to consent to organ or tissue donation, but to present to the family or next of kin an alternative which may be a source of great comfort after they have recovered from the initial shock of the death.

Tissue donors may be individuals who have suffered cardiac death; however, vascular organ donors must be individuals who have suffered brain death. The usual case would be an individual who had died because of a fatal head or neck injury or disorder and was being maintained on a respirator. Most head and neck injuries are attended by neurospecialists and are treated in emergency rooms or intensive care units. Therefore, the first line of contact with most potential donors is the neurospecialist, the emergency room physicians and personnel or the intensive care unit nurses.

Since Virginia law requires a neurospecialist to determine brain death, most hospitals in rural or sparsely populated areas which do not have any neurospecialist on staff would not be involved in identifying donors. In many hospitals, there is a policy supporting transplantation and the coordinators are contacted by a neurospecialist or emergency room or intensive care unit personnel if a potential donor becomes available. In many cases, however, the neurologist, neurosurgeon or other specialist handling the patient has a policy of simply turning the machine off. The physician's rationale for this policy may be to protect the family or the patient from what is, in his view, needless interference. However, the physician simply may not have developed any empathy for the transplant programs and may not understand the vital role he could play. For these reasons, access to the families of potential donors can be a significant problem.

If the coordinators are called by the physician or a hospital staff member, a variety of activity takes place. Most often, contact is made with the family by the coordinators before the idea of organ donation is introduced. Occasionally, the physician or some other hospital staff member will talk to the family about organ donation before the coordinators are called. This effort is a mixed blessing. The untrained individual may present the idea in such a way that the family automatically rejects it or may get consent and pave the way for the coordinator. Sometimes the approach of the untrained individual creates conflict and uncertainty with which the coordinator must then cope. For example, some families are very receptive to the idea of organ donation and agree readily, but the untrained individual may have only mentioned the need for corneas or kidneys and neglected to think of the possibility of donation of heart, liver, pancreas or tissue. Understandably, families do not respond well to requests from several different individuals or organizations. Therefore, the coordinator may be reluctant to broach the subject of donation of other organs, some of which may be desperately needed by patients, after contact has been made by untrained individuals whereas he would have felt comfortable with presenting this idea initially.

Most coordinators agree that it is not always appropriate to ask a family for all of the needed organs or tissue. In fact, it appears that it may often be impossible for a family member to make such a sweeping decision after the sudden death of a relative. Most of the coordinators also feel that there are individual cases in which organ donation is not appropriate because of some psychological impact of the death on the family or next of kin. The Virginia coordinators do not agree with the use of guilt or coercion to influence the decisions of families or next of kin. Frequently, they say it is necessary to use their intuition and sensitivity to people's emotions and needs.

After the coordinator has obtained the formal, written consent from the next of kin, the coordinator must then begin the arduous task of maintaining the body on a ventilator until the organs can be recovered. Since the brain, which controls the body's metabolism, is dead, then the respiratory and cardiac functions deteriorate quickly. The body must stay hydrated and oxygenated; therefore, IV liquids containing certain drugs must be kept constantly running into the body. Certain tests must be ordered to determine if the body has any disease or infection or dysfunction which would render the organs inappropriate for transplantation.

At some point in this process, the coordinator must contact the transplant programs to determine where the organ or organs are most urgently needed. For example, if the coordinator has obtained consent for an organ which cannot be used by the transplant program with which

he works or contracts, he will then contact the South-Eastern Organ Procurement Foundation in Richmond to locate potential recipients of kidneys or the North American Transplant Coordinators' Organization in Pittsburgh to locate potential recipients of nonrenal vascular organs.

When a surgeon begins recovery of the donated organs, the work of the coordinator is far from over. The coordinator must usually assist in the recovery, frequently after having traveled for long distances with little sleep in the middle of the night. The coordinator then must pack the organ or organs up and travel back to his home base to deliver the organ or organs for transplantation. In the case of heart and liver donations, the coordinator must assist in the synchronization of the recovery of the organ and the preparation of the recipient, because these organs cannot be stored for more than a few hours.

Long after the recovery and the transplant, the coordinators maintain contact with the donor families. Letters are written to the families informing them of some details about the individuals receiving the organs or tissue and the condition of the recipients. Many families appear to cherish this contact and find great comfort in knowing that their dead relative has helped other people.

It is difficult to know how many potential donors are never brought to the attention of the coordinators. Some estimates are that only 24% of fatal accident victims become organ donors in Virginia. Nationally, it has been estimated that only about 20% of brain dead cadavers are referred for organ donation. Undoubtedly, the reasons for the small number of potential donors becoming actual donors are complicated and include, in addition to nonparticipation by neurospecialists and lack of access to the family, such factors as religious beliefs, individual preference or a traditional desire to keep the body whole, fear or repugnance for the unknown and unusual, lack of understanding of the technology and its applications and inappropriateness of the donor.

#### V. THE VIRGINIA ORGAN TRANSPLANT PROGRAMS

In addition to the many locations in which tissues are transplanted on a regular basis, Virginia has four vascular organ transplant programs. Virginia also has one of the seven or eight operating tissue banks in the country (for bone, skin, dura mater - the outermost membrane of the brain and spinal cord - and fascia lata - the fibrous connective tissue of the thigh), a skin bank, three eye banks and is the home of the central office of the South-Eastern Organ Procurement Foundation.

The Department of Clinical Transplant Programs at the Medical College of Virginia represents a major commitment on the part of the MCV community and the Commonwealth to transplantation. At MCV, corneas, kidneys, hearts, livers, skin, bone and bone segments as well as dura and fascia are transplanted. The transplant program at MCV is the third largest program in the United States and may well become the second largest, if the incipient plans to implement heart/lung block transplants and, perhaps, even bowel transplants are realized.

Two coordinators, four surgeons and numerous technicians comprise the transplant team at MCV. The MCV coordinators cover central Virginia - in a radius which includes Richmond, Fredericksburg, Farmville, Petersburg, Emporia and Williamsburg. The coordinators for MCV also procure hearts and kidneys for the vascular transplant program at McGuire V.A. Hospital. The MCV coordinators note that approximately 67% of the families with whom they have contact consent to organ donation.

The coordinators at MCV work in cooperation with the Virginia Organ Procurement Agency coordinators to cover the entire State. Each group knows of the others' needs and cooperates in the distribution of tissue throughout the State and the distribution of vascular organs to MCV, the Eastern Virginia Renal Transplant Program, McGuire V.A. Hospital and the University of Virginia Renal Transplant Program.

Eastern Virginia Transplant/Virginia Organ Procurement Agency was established as an independent, nonprofit corporation with a \$20,000 grant provided by the American Kidney Fund and has been developed into a comprehensive agency covering all of Virginia except the central part. Four coordinators are employed to cover the eastern, western and northern parts of Virginia.

In the Tidewater area, the coordinators believe they are contacted in most of the cases when a potential, appropriate donor becomes available. An excellent relationship has been developed by this organization with the area neurospecialists through concentrated effort on the part of the coordinators. In approximately 80% of the contacts, consent is obtained. The VOPA contact and procurement rates are lower in the other areas of the State partly because these programs were more recently established.

EVT/VOPA contracts with the Medical Center Hospitals (Norfolk General) for organ procurement services. The Eastern Virginia Renal Transplant Program works cooperatively with Eastern Virginia Medical School. In the Tidewater area, kidneys are the only vascular organs being transplanted at this time. However, there are plans to introduce pancreas transplants in the near future. Thus far, heart transplants have not been considered because they are not cost effective. Three surgeons are currently performing kidney transplants in the Tidewater area. Bone, skin and other tissue transplants are also commonly performed by a number of the area surgeons.

The Tidewater coordinators for VOPA also serve as members of the Board of Directors and consultants to the Eastern Virginia Tissue Bank. Although EVTB is a separate nonprofit organization, it is located in the same facility as VOPA. EVTB employs two technicians to process bone, skin, dura and fascia. The philosophy of the tissue bank is described as "conservative." Therefore, bone is recovered without using radiation unless absolutely essential as in the case of mandibles (because it is impossible to remove the bone marrow from the small channels in this bone by hand). The tissue is stored until processed in freezers and then cleaned and freeze-dried. The processed tissue is shipped all over the State and the country to be transplanted. Some examples of tissue transplanted are: cancellus bone (spongy, lattice-like bone) used to repair fractures which would never heal otherwise; an auricle of the ear used to build an ear for a small child born without one and iliac crests used to repair the hips of arthritis or accident victims.

At the University of Virginia, the only vascular organs currently being transplanted are kidneys. However, heart transplants have been proposed, but were not approved and programs for liver and pancreas transplants are possibilities for the future. Corneas and tissue transplants are also commonly performed. The kidney transplant program is coordinated through the Department of Renal Services. One coordinator is employed by the UVA program and primarily serves the University Hospital complex.

Recently, the University has made a commitment to transplantation by establishing a Transplant Committee which appears to be focused on fostering interdepartmental cooperation for the transplant program and examination of inhouse organ procurement.

It appears that the University of Virginia program has more initiative for obtaining related family donors for kidney transplant and less opportunity for obtaining cadaveric donors than the other programs. This difference can be attributed to the demography of the Charlottesville-Abemarle area, which is rural and much less populated than the Richmond or Tidewater regions and includes hospitals which do not receive many patients that are potential organ donors and are less accessible because they are scattered over a wide geographical area. In addition, these hospitals have frequent turnovers in staff, which makes it difficult to keep inservice training current.

In addition to the procurement activities, the coordinators and technicians at MCV, UVA, VOPA and the tissue bank conduct numerous public relations and education programs such as inservice programs for emergency room personnel and nurses in area hospitals, speeches to school groups, churches, and civic organizations, media interviews and the development of billboards, posters, displays and brochures.

## VI. THE WORK OF THE JOINT SUBCOMMITTEE

The Joint Subcommittee held meetings on October 8, 1984, November 13, 1984, and January 10, 1985. Following the organizational formalities at the first meeting, the Chairman, Delegate Van Yahres, set the tone for the study in his opening comments by noting that this was a particularly timely study in view of the national publicity being given to all of the aspects of transplantation and organ procurement, including costs and availability of organs, and that the



task of the Joint Subcommittee was to decide if there is a problem in Virginia in organ procurement and what the proper role of the legislature was in alleviating any problems that may exist.

During this first meeting, the Joint Subcommittee heard testimony and presentations from the following individuals:

Mr. Ronald Garst, a heart transplant recipient in 1981 at the Medical College of Virginia, expressed his belief that the public needs a better understanding of the benefits of transplantation;

Norma E. Szakal, the staff attorney, presented the staff briefing paper and emphasized that the reasons for the small number of potential donors becoming actual donors are complicated and include lack of access to the families, religious beliefs, individual preferences, fear of the unknown and lack of understanding of the technology and its applications;

Dr. Richard L. Hurwitz, President of the Boards of Directors, Eastern Virginia Transplant/Virginia Organ Procurement Agency and the Eastern Virginia Tissue Bank and Medical Director of the Renal Transplant Program, Norfolk General Hospital, testified that four elements must be considered in examining organ procurement in Virginia: 1. public awareness; 2. cooperation of attending physicians; 3. availability of talented coordinators; and 4. a positive image for transplant programs;

Helen Leslie, representative of the Eastern Virginia Tissue Bank and Eastern Virginia Transplant/Virginia Organ Procurement Agency, described the tissue bank facility and explained that each tissue donor can help hundreds of people;

Dr. Frederick Westervelt, Professor of Internal Medicine, University of Virginia, cautioned the Subcommittee that statistics might lead to the conclusion that there is not a problem in organ procurement in Virginia and pointed out that 10% to 20% of recovered kidneys are not usable and that transplant programs now have higher standards for acceptable kidneys; and

Herb Teachey, Administrator/Procurement Coordinator with the MCV Transplant Program, noted that public education is very important as well as the education and cooperation of the medical community, described the sharing systems already operating in the country and Virginia, and stated that there is a uniform program in place.

Various alternatives for increasing participation in organ donor programs were presented to the Joint Subcommittee during this first meeting as part of the the Staff Briefing Paper: Organ Procurement in Virginia (See Appendix B for these proposals).

Following a lengthy discussion on the viability of these proposals, staff was directed to research and prepare resolutions and legislation directed to various state departments as well as other alternative proposals focused on creating a coordinated approach to educational and informational activities related to organ procurement.

Seven sets of proposals were drafted and presented to the Joint Subcommittee during the second meeting. These proposals, which were related to the operations of the Division of Motor Vehicles, the Department of Education, the Department of Taxation, the Alcoholic Beverages Control Commission, the Board of Medicine, and the Board of Health, consisted of resolutions requesting agency activities and legislation establishing grants or setting out requirements (see Appendix C for these proposals). Representatives of most of the affected agencies were in attendance and all agencies were informed of the nature of the proposals prior to the meeting.

In the course of the detailed discussion of these proposals, the Joint Subcommittee became convinced that the solution needed was a vehicle for implementing a coordinated, cohesive approach to education of the public and professionals and dissemination of information. Because of this conclusion, staff was requested to develop another set of proposals geared toward establishing a uniform program with one administrative agency to monitor activities and report on results.

The third set of proposals was presented to the Subcommittee at its final meeting in January

(see Appendix D for these proposals). Following certain revisions requested by the Joint Subcommittee, some of these proposals were approved as its recommendations.

## VII. FINDINGS AND RECOMMENDATIONS OF THE JOINT SUBCOMMITTEE

National estimates indicate that only a very small percentage of potential organ and tissue donors become actual donors. The Joint Subcommittee Studying Ways to Increase Participation in Organ Donor Programs has received testimony that the two primary reasons for this low rate of participation in such programs are: 1. public misconceptions and fears of organ and tissue donation based on insufficient knowledge of the life-saving and life-enhancing capabilities of organ and tissue donation and inadequate understanding of how the alternative of organ and tissue donation can be a source of great comfort to the family or next of kin; and 2. lack of access to the families of potential donors because of professional misunderstandings and apprehensions.

Education would appear to be the proper vehicle for alleviating these problems and increasing participation in organ donor programs. Although educational activities are conducted by all of the agencies involved in organ and tissue procurement or transplantation, there is a great need for a coordinating agency to provide cohesiveness, uniformity and consistency for these efforts. The representatives of the agencies already have many viable concepts and ideas for coordinating informational and educational programs; however, it is impossible for the personnel of these programs to stretch their time and energies more than they presently are. Because of these findings, the Joint Subcommittee recommends that:

1. A Virginia Transplant Council be established in law and funded in the 1986/1988 biennium budget in order to provide a coordinated, comprehensive, uniform mechanism for distributing information and for the education of the public and professionals;

2. Appropriations of \$100,000 a year be provided for the activities of the Virginia Transplant Council for five years beginning in fiscal 1986;

3. The Board of Education be requested to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs;

4. The Board of Medicine be requested to inform physicians about the status of transplant technology and to assist in training physicians in the legal and medical requirements for determination of brain death;

5. Hospitals be required, as a condition of licensure, to establish an organ procurement for transplant protocol which encourages organ and tissue donation;

6. Various state agencies be requested to cooperate with organ procurement and transplant programs in educating the public in the benefits of organ donation and transplantation; and

7. The Division of Motor Vehicles be requested through correspondence from the Joint Subcommittee to implement conscientiously the requirements of § 46.1-375 of the Code of Virginia.

Copies of proposed legislation and correspondence to effect these recommendations are in Appendix E.

### Rationale for Recommendations Numbers 1 and 2:

The Joint Subcommittee believes that Virginia has become one of the leaders in the development of organ and tissue transplant technology in recent years. The Virginia Transplant Council is intended to be the coordinating agency which the Joint Subcommittee believes to be so essential to the growth and progress of the transplant programs in the Commonwealth. The Council has been designed to involve all of the organizations recovering or substantively involved in promoting the recovery or distribution of organs and tissues in Virginia. It is intended that the Council be a permanent mechanism for resolving differences, directing meaningful projects focused on organ and tissue donation and transplantation in Virginia, and avoiding the

fragmented practices which appear to be developing in some other states. The Joint Subcommittee sincerely hopes the appropriations for the Council will serve as seed money to stimulate a concerted effort to obtain private funding and to build a viable, long-term organization. At the end of the five year period, these activities should be evaluated and the need for continuation of state funding assessed. In the long run, the Council would, it is believed, save the Commonwealth of Virginia and its citizens unnecessary expenditures and provide significant health benefits. Finally, since no other state has initiated this kind of effort, the Council would continue Virginia's traditional role as leader in developing well-managed, innovative and cost-effective programs.

Rationale for Recommendation Number 3:

In view of the serious gap in the public's knowledge and understanding of organ transplant and procurement, the Joint Subcommittee feels that it would be most appropriate for the Department of Education to assume a lead role in supplementing the activities of the organ procurement and transplant agencies and, perhaps, eventually the Virginia Transplant Council, in educating young people in this subject. Since they are currently under revision, the health curricula appear to provide the perfect mechanism for this instruction without creating any unnecessary work on the part of the Department.

Although the Department of Education has agreed to implement this recommendation, the Joint Subcommittee feels that a resolution should be introduced for two reasons - the record will show that this was the recommendation of the Subcommittee and submission of this recommendation to the General Assembly will provide more formality to the request.

Rationale for Recommendation Number 4:

One of the primary impediments to increased participation in organ donor programs appears to be misunderstandings or lack of knowledge about transplant technology and the mechanism for organ donation on the part of professionals. For this reason, the Joint Subcommittee feels that it is essential to design a way to inform and educate physicians in order to improve access to the families of potential donors. The Board publishes a newsletter which could be used as the vehicle for implementing this request without additional funds. Further, although it is understood that the Board's primary function is regulatory, in the view of the Joint Subcommittee, it would be appropriate for the Board of Medicine to assume a role in disseminating technical information to its licensees. Such a role might, in the opinion of the Subcommittee, enhance the Board's already substantial credibility and authority.

Rationale for Recommendation Number 5:

The procurement coordinators stated that many hospitals have organ procurement for transplant protocols, but there are some hospitals with protocols which do not, in the opinion of the coordinators, encourage organ and tissue donation. Since licensure is a function of the State Department of Health, requiring appropriate protocols as a condition of licensure appears to be a suitable way to remedy this problem.

Rationale for Recommendation Number 6:

During the second meeting of the Joint Subcommittee, a number of proposals were considered, but not adopted, which would have required state agency involvement. Although several of the agencies were opposed to the concepts in these proposals, all indicated a willingness to cooperate when possible with the organ procurement and transplantation agencies. For these reasons, the Joint Subcommittee wishes to make it a matter of record that the General Assembly supports and encourages such activities. It is possible that no state agency will be called upon to perform any functions for the organ procurement or transplantation organizations. However, if an activity should be proposed which could be conducted within the proper authority of any state agency, the Joint Subcommittee hopes that every reasonable effort will be made to assist.

Rationale for Recommendation Number 7:

The Division of Motor Vehicles comes into contact with many, if not most, of the adult

citizens of Virginia. Paragraph D of § 46.1-375 of the Code of Virginia requires that every recipient of a Virginia driver's license be given a "separate, written statement... explaining the significance of the Uniform Donor Document and of procedures..." for anatomical gifts provided in Virginia law. The Division of Motor Vehicles has implemented this requirement with good will and apparently good intentions. However, several of the members of the Joint Subcommittee had recently renewed driver's licenses without receiving the required information.

Further, in spite of the law and the DMV's efforts, few citizens in Virginia execute their donor cards. In many cases, people are simply not aware of the fact that the Uniform Donor Document is printed on the back of their driver's license. If individuals were made aware of the donor card, more might express their willingness to become organ and tissue donors by executing their cards. For these reasons, the Joint Subcommittee wants to impress on the personnel of the Division the need to implement conscientiously the mandates of § 46.1-375.

The Joint Subcommittee wishes to emphasize its belief that education will dissipate the misconceptions and suspicions of the majority of people about organ donation and will increase participation in organ donor programs. In the opinion of the Joint Subcommittee, however, organ donation should continue to be a personal, generous gift of life and is not a proper subject for heavy-handed legislation.

The Joint Subcommittee wishes to express its thanks to the many individuals who contributed to this study, particularly the personnel of the organ procurement and transplant programs who generously gave their valuable and scarce time.

Respectfully submitted,

Mitchell Van Yahres, Chairman

Thomas J. Michie, Jr., Vice-Chairman

Jospeh B. Benedetti

John C. Buchanan

A. Joe Canada

Jay W. DeBoer

W. Henry Maxwell

## HOUSE JOINT RESOLUTION NO. 160

*Requesting the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health to study ways to increase participation in organ donor programs.*

Agreed to by the House of Delegates, February 14, 1984

Agreed to by the Senate, March 6, 1984

WHEREAS, medical science has advanced to the point where the lives of many individuals can be prolonged and benefitted from transplantation of certain organs; and

WHEREAS, these individuals frequently face uncertain futures because of the lack of organ donations; and

WHEREAS, organ donor cards have been distributed since 1970, yet many individuals do not sign these cards; and

WHEREAS, even though the need for organ donations is great, only twenty-four percent of fatal accident victims become organ donors in Virginia; and

WHEREAS, it is the policy of the Commonwealth to encourage qualified individuals to execute by will, donor card or other document the gift of needed organs as provided in § 32.1-292 of the Code of Virginia; and

WHEREAS, results of a national poll reveal that over ninety percent of Americans are aware of the need for organ donations; and

WHEREAS, recently, proposals have been made for the sale and distribution of organ donations from live donors which are not acceptable to most citizens of this Commonwealth; and

WHEREAS, a method must be found which is humane and ethical to increase the number of donors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health are hereby requested to establish a study of ways to increase participation in organ donor programs. The joint subcommittee shall consist of seven members as follows: three members shall be appointed from the House Committee on Health, Welfare and Institutions and one at-large member of the House by the Speaker of the House; and three members shall be appointed from the membership of the Senate Committee on Education and Health by the Senate Committee on Privileges and Elections.

The joint subcommittee shall examine this problem to determine:

1. The need for organ transplants in the Commonwealth; and
2. Ways that participation in organ donor programs can be improved.

The joint subcommittee shall consult with relevant groups in the course of its work included, but not limited to, the Virginia organ donor procurement organization, transplant teams from the Medical College of Virginia and the University of Virginia, the Chief Medical Examiner, the Kidney Foundation, the American Heart Association, the State Department of Health and any other interested parties.

The work of the joint subcommittee shall be completed in time to make its recommendations to the 1985 Session of the General Assembly.

The direct and indirect costs of this study are estimated to be \$8,030.

## APPENDIX B

### V. PROPOSALS FOR INCREASING PARTICIPATION IN ORGAN DONOR PROGRAMS

The following alternatives for increasing participation in organ donor programs have been developed as a result of suggestions from the representatives of the Virginia organizations or reading about other state law (please note that no discussion is provided here on the viability, or pros and cons of these proposals):

#### 1. Educational alternatives

-Solicit the cooperation of the medical community in informing physicians about the state of transplant technology and in training physicians in the legal requirements for determination of brain death and the medical definition of brain death.

-Incorporate into the health curriculum of the public schools instruction on transplantation and organ donation.

-Support the development and dissemination of a brochure describing the transplant and organ recovery activities in Virginia and providing contact phone numbers for all procurement coordinators.

-Support a one time hospital donor survey (death survey) which would provide definitive data on the percentage of referrals in all areas of the State. (A death survey was conducted by the VOPA group in the Tidewater area and provided useful information relating to the gaps in contact.)

-Support the development of media materials, billboards and displays for public distribution.

## 2. Legislative alternatives

- Establish a mechanism for making the donor document operative in Virginia in order to eliminate the need for consent of next of kin.
- Require all hospitals to establish an organ recovery for transplant protocol which encourages donation in order to qualify for licensure.
- Provide for presumed consent for donation of organs unless the family comes forward specifically to object.
- Revise the current brain death law to provide for clarity because the present language is, in the opinion of some, confusing.
- Allow for a tax deduction for the estate of the donor or, if his estate is negligible, for the donor's next of kin.
- Allow the first time traffic offender to execute his donor card in lieu of paying a fine.
- Require that a brochure on organ donation be included with driver's license renewal forms or car license plate renewal forms or Virginia income tax forms.
- Require that the donor card contain the telephone number of the area organ procurement agency.
- Do nothing.

(These proposals were included in the Staff Briefing Paper: Organ Procurement in Virginia during the first meeting of the Joint Subcommittee.)

APPENDIX C

1. Proposals related to the Division of Motor Vehicles

HJR NO. \_\_\_\_\_

Requesting the Division of Motor Vehicles to assist in disseminating information encouraging organ donations.

WHEREAS, nationally, it has been estimated that only about 20% of potential organ donors become actual organ donors; and

WHEREAS, the Anatomical Gift Act, §32.1-289 et seq. of the Code of Virginia has provided the mechanism for organ donation in this Commonwealth since 1970; and

WHEREAS, Section 46.1-375 of the Code of Virginia was amended in 1976 to require that the Uniform donor document be included on every driver's license; and

WHEREAS, paragraph D of §46.1-375 requires that every recipient of a Virginia driver's license be given a "separate, written statement... explaining the significance of the Uniform Donor Document and of procedures under Article 2 of Chapter 8 of Title 32.1 of the Code of Virginia"; and

WHEREAS, in spite of these laws and the intense publicity given to transplantation, few citizens in the Commonwealth of Virginia execute their donor cards; and



WHEREAS, it does not appear that the Division of Motor Vehicle has, as yet, implemented the requirements of paragraph D of §46.1-375; and

WHEREAS, in many cases, people are not aware of the fact that the Uniform Donor Document is printed on the back of their driver's license; and

WHEREAS, if made aware of the donor card, many individuals would express their desire to become organ and tissue donors by executing their cards;and

WHEREAS, education of the public in the benefits of organ and tissue transplantation and familiarizing people with the concept of organ donation are among the most important factors in increasing participation in organ donor programs; and

WHEREAS, the Division of Motor Vehicles has contact with the majority of the citizens of Virginia through its licensing and registering programs; and

WHEREAS, by disseminating information on organ donation to their clients, the Division of Motor Vehicles could provide an invaluable service, which it is already mandated to perform, in increasing public awareness of organ donor programs significantly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring That the Division of Motor Vehicles is hereby requested to disseminate materials focused on increasing public awareness of the organ donor programs and the benefits of transplantation and informing its clients about the Uniform donor card through the following mechanisms:

1. by giving every citizen of Virginia applying for or renewing a motor vehicle operator's license a brochure or flyer describing the Universal donor card, its location and how it must be executed as already required in paragraph D of §46.1-37~~g~~ of the Code of Virginia; and

2. by inserting a brochure or flyer describing the benefits of organ and tissue donation and transplant programs with every motor vehicle registration form whether provided to the citizen by mail or by hand.

In carrying out these actions, the Department of Motor Vehicles is also requested to obtain instruction for its personnel on the positive aspects of organ and tissue donation and transplantation and to ask its staff to assist any individual who so desires in executing his donor card.

Alternative 1 - statute -DMV

A bill to amend the Code of Virginia by adding a section numbered 46.1-31.3 relating to the distribution of information on anatomical gifts.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-31.3 as follows:

§46.-31.3. Distribution of information on anatomical gifts.--The Commissioner shall furnish to every applicant for a motor vehicle registration the written statement explaining the significance of the Uniform Donor Document required to be provided to every recipient of a driver's license pursuant to §46.1-375.

Alternative 2 - statute - DMV

A bill to amend the Code of Virginia by adding a section numbered 46.1-31.3 relating to the distribution of information on anatomical gifts.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-31.3 as follows:

§46.-31.3. Distribution of information on anatomical gifts.-- The written statement explaining the significance of the Uniform Donor Document required to be provided to every recipient of a driver's license pursuant to §46.1-375 shall also be furnished to every applicant for a motor vehicle registration.

2. Proposal related to the Department of Education

HJR NO. \_\_\_\_\_

Requesting the Board of Education to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs.

WHEREAS, medical technology related to transplantation of vascular organs, bone and other tissues has become very sophisticated in recent years; and

WHEREAS, this technology is now capable of saving many patients' lives and enhancing the quality of life for many thousands; and

WHEREAS, although this technology is well accepted in the medical and scientific community, public understanding of its benefits is limited; and

WHEREAS, many people still view this technology as ghoulish or morbid without being sensitive to the comfort and solace organ and tissue donation can provide a grief-stricken family; and

WHEREAS, fear of the unknown or unusual and lack of understanding of technology and its applications can be alleviated through education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring That the Board of Education is hereby requested to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs by:

1. Developing and distributing materials on organ donation and transplantation to be used in the health education programs of the public schools at appropriate grade levels; and

2. Providing the local school divisions with information on the availability of speakers familiar with organ donation and transplantation through the Virginia Medical Society, the organ procurement agencies and the transplant programs.

In developing any materials on organ donation and transplantation, the Department of Education is also requested to work cooperatively with representatives of the organ procurement and transplant programs.

3. Proposals related to the Department of Taxation

HJR NO. \_\_\_\_

Requesting the Department of Taxation to assist in educating the public on organ and tissue donation by distributing information to the taxpayers of Virginia.

WHEREAS, transplantation of tissues and organs is a relatively new development in medical technology; and

WHEREAS, although transplant technology is making tremendous strides, many lay people do not understand its life saving and enhancing capabilities; and

WHEREAS, the concept of organ and tissue donation is anathema to many people because until recently burial or cremation were the only alternatives available; and

WHEREAS, participation in organ and tissue donation programs is still quite low due to the lack of public awareness and understanding; and

WHEREAS, the education of the general public in the benefits of organ and tissue donation and transplantation would help overcome many misconceptions and fears; and

WHEREAS, the Department of Taxation comes into contact with virtually every individual employed in Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring That the Department of Taxation is hereby requested to distribute a brochure or flyer with every tax form, if such brochures or flyers are available. The brochures or flyers shall be supplied by the organ procurement and transplant programs to the Department of Taxation for this purpose.

A bill to amend the Code of Virginia by adding a Section numbered 58.1-214.1 relating to distribution of information on organ and tissue donation with income tax forms.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a Section numbered 58.1-214.1 as follows:

§58.1-214.1. Distribution of information on organ and tissue donation with income tax forms.--The Department shall include a brochure or flyer on organ and tissue donation with all income tax forms and instructions distributed by mail to the taxpayers of Virginia.



4. Proposals related to the Alcoholic Beverages Commission

HJR NO. \_\_\_\_\_

Requesting the Alcoholic Beverages Commission to Distribute Information on Organ and Tissue Donation and Transplantation.

WHEREAS, national estimates indicate that only a very small percentage of potential organ and tissue donors become actual donors; and

WHEREAS, the Joint Subcommittee Studying Ways to Increase Participation in Organ Donor Programs has heard testimony on the reasons for low participation in organ and tissue donor programs; and

WHEREAS, one of the most important reasons for nonparticipation in organ and tissue donor programs appears to be inadequate knowledge of the benefits of transplantation and insufficient awareness of the alternative of organ and tissue donation; and

WHEREAS, hundreds of the citizens of the Commonwealth of Virginia are patrons of the ABC stores; and

WHEREAS, this places the personnel of the Alcoholic Beverages Commission in a favorable position to disseminate information to the people of Virginia; and

WHEREAS, the Alcoholic Beverages Commission could, therefore, perform a much needed service for the Commonwealth's citizenry by assisting in educating them concerning the benefits of organ and tissue donation and transplantation;and

WHEREAS, the distribution of this information could have the twofold effect of reminding people to exercise caution while driving and making them aware of the alternative of organ and tissue donation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring That the Alcoholic Beverages Commission is hereby requested to distribute information on organ and tissue donation and transplantation with each sale of its products.

A bill to amend the Code of Virginia by adding a section numbered 4-18.1 relating to information printed on paper bags used by the Alcoholic Beverages Commission

1. Be it enacted by the General Assembly of Virginia That the Code of Virginia is amended by adding a section numbered 4-18.1 as follows:

§4-18.1. Information printed on paper bags.--The Commission shall require that all bags used by government stores for packaging its products contain information on organ and tissue donation. This information shall be in a form approved by the Commission and may relate to the Universal donor document included on the Virginia driver's license pursuant to §46.1-375 or to organ transplant and procurement programs in general. The Commission shall consult with representatives of the Virginia transplant and organ procurement programs in developing this material.

A bill to amend the Code of Virginia by adding a section numbered 4-18.1 relating to distribution of brochures or flyers on organ and tissue donation by the Alcoholic Beverages Commission.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 4-18.1 as follows:

§4-18.1. Distribution of brochures or flyers on organ and tissue donation by government stores.--The Commission shall require that all government stores distribute brochures or flyers on organ and tissue donation with its products. These brochures or flyers shall be in a form approved by the Commission and may relate to the Universal donor document included on the Virginia driver's license pursuant to §46.1-375 or to organ transplant and procurement programs in general. The Commission shall consult with representatives of the Virginia transplant and organ procurement programs in developing these materials or obtain such brochures or flyers directly from the transplant and organ procurement programs.

5. Proposal related to the Board of medicine

HJR NO. \_\_\_\_\_

Requesting the Board of Medicine to inform physicians about the status of transplant technology and to assist in training physicians in the legal and medical requirements for determination of brain death.

WHEREAS, during the course of its deliberations, the Joint Subcommittee Studying Ways to Increase Participation in Organ Donor Programs has heard testimony that lack of access to the families of potential donors is one of the major barriers to increasing anatomical gifts; and

WHEREAS, Often, this lack of access to the families of potential donors is the result of professional practices based on misunderstandings or a sincere desire to protect the family from additional pain; and

WHEREAS, many health professionals do not understand that organ and tissue donations present the family or next of kin with an alternative which may be a source of great comfort; and

WHEREAS, frequently, health professionals do not have sufficient knowledge of transplant technology and how organ procurement is administered; and

WHEREAS, many practitioners do not have the time to seek out knowledge of specialty areas which are not in their field of expertise, but would welcome the opportunity to receive this information; and

WHEREAS, education of the professional community in the status of transplant technology, the benefits of organ and tissue donation and how organ and tissue donation are accomplished would dispel the misunderstandings and apprehensions of many professionals and, thereby, increase access to the families of potential donors; now, therefore, be it;

RESOLVED by the House of Delegates, the Senate concurring That the Board of Medicine is hereby requested to inform physicians about the status of transplant technology and to assist in training physicians in the legal and medical requirements for determination of brain death. In carrying out this function, the Board of Medicine is also requested to seek the cooperation of the organ procurement and transplant programs in Virginia including the University of Virginia, the Medical College of Virginia, the Virginia Organ Procurement Agency, the Eastern Virginia Renal Transplant Program, the Old Dominion Eye Bank, the Lion's Eye and Research Center of Eastern Virginia, the Eye Bank and Research Foundation of Virginia and the Southeastern Organ Procurement Foundation..

6. Proposals related to the Board of Health

HJR NO. \_\_\_\_\_

Requesting the Board of Health to require all hospitals to establish an organ recovery for transplant protocol which encourages donation of organs and tissues in order to qualify for licensure.

WHEREAS, Virginia has become one of the leaders in the development of organ and tissue transplant technology; and

WHEREAS, technological developments in medicine are voluminous and complicated making it difficult for health professionals to remain current; and

WHEREAS, the transplant and organ procurement programs in Virginia provide extensive inservice training for hospital personnel; and

WHEREAS, however, many hospitals have, through no fault of their own, frequent turnovers in personnel; and

WHEREAS, most hospitals have orientation programs for new personnel which include information on the policies and procedures of the institution; and

WHEREAS, many hospitals also have protocols on organ recovery for transplant, however, some of these protocols have a less positive impact than others; and

WHEREAS, access to the families of potential donors is essential for the organ procurement coordinators; and

WHEREAS, hospital protocols which encourage organ and tissue donation would provide incentives for hospital personnel to react positively to the concept of organ and tissue donation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring That the Board of Health is hereby requested to require all hospitals to establish an organ recovery for transplant protocol which encourages organ and tissue donation in order to qualify for licensure.



A bill to amend the §32.1-127 of the Code of Virginia relating to the licensure of hospitals and nursing homes.

Be it enacted by the General Assembly of Virginia:

1. That the §32.1-127 of the Code of Virginia is amended as follows:

§32.1-127. Regulations.--A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety and to the provisions of article 2 (§32.1-138 et seq.) of this chapter.

B. Such regulations shall include minimum standards for (i) the construction and maintenance of hospitals and nursing homes to assure the environmental protection and the life safety of its patients and employees and the public; (ii) the operation, staffing and equipping of hospitals and nursing homes; (iii) training of nursing home staff; and (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence.

C. Such regulations shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each licensed hospital which operates or holds itself out as operating an emergency room.

D. In its regulations, the Board may classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity.

E. Further, such regulations shall also require that each licensed hospital establish an organ procurement for transplant protocol which encourages organ and tissue donation.

## 7. Proposals for supporting educational programs

There are several mechanisms for obtaining funding of a new program - all of which have to go through the money committees, i.e., House Appropriations and Senate Finance.

### Mechanism #1. Introduce a bill establishing the program.

Such bills always are referred to the money committees.

Such a bill may in the form of a general law such as:

A bill to amend the Code of Virginia by adding in article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.1 relating to grants for educational programs on organ and tissue donation.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.1 as follows:

§32.1-297.1. Grants for education programs on organ and tissue donation.-- There is hereby established, from such funds as are appropriated, a program of grants for education programs on organ and tissue donation to be administered by the Board of Health. The purpose of these grants shall be to conduct educational programs to increase the public awareness and understanding of organ and tissue donation and transplantation.

These competitive grants shall be awarded on the basis of responses to requests for proposals issued by and criteria established by a panel of five reviewers. The panel of five reviewers shall be appointed by the Board of Health and shall include individuals familiar with the problems and issues of organ procurement and transplantation in Virginia. The Board may seek nominations for panel members from the organ procurement agencies and transplant programs operating in Virginia. The Board of Health may establish such reporting requirements as it deems appropriate. At least one grant shall be awarded in any year in which funds are appropriated.

Such a bill may be in the form of a special law as follows:

A bill relating to grants for educational programs on organ and tissue donation.

Be it enacted by the General Assembly of Virginia:

§1. That there is hereby established, from such funds as are appropriated, a program of grants for education programs on organ and tissue donation to be administered by the Board of Health. The purpose of these grants shall be to conduct educational programs to increase the public awareness and understanding of organ and tissue donation and transplantation. These competitive grants shall be awarded on the basis of responses to requests for proposals issued by and criteria established by a panel of five reviewers. The panel of five reviewers shall be appointed by the Board of Health and

shall include individuals familiar with the problems and issues of organ procurement and transplantation in Virginia. The Board may seek nominations for panel members from the organ procurement agencies and transplant programs operating in Virginia. The Board of Health may establish such reporting requirements as it deems appropriate. At least one grant shall be awarded in any year in which funds are appropriated.

There are many forms such a bill could take, for example:

(i) Directing a one time grant of a sum certain with a one time appropriation instead of establishing a continuing program. This approach has an inherent advantage because the General Assembly does not, at this time, look favorably upon the establishing of many new programs.

(ii) Providing for the appropriation to go to an state agency or agencies with hands on experience in the field for a stated purpose. Every appropriation must go somewhere in the budget, therefore, this approach would eliminate some speculation on the efficacy of the funding.

It should be understood that if such a bill would be successful, language would have to be prepared for the budget such as:

These funds shall be granted to the successful applicants for grants for the purpose of conducting educational programs to increase the public awareness and understanding of organ and tissue donation and transplantation pursuant to H.B. No. \_\_\_\_\_.

Mechanism #2. Introduce a member's line amendment to the budget.

This is accomplished by requesting staff to draft appropriate language for the amendment and appearing before the relevant money committee.

The language could read:

Out of this appropriation shall be expended in the (first or second) year of the biennium \$\_\_\_\_\_ for the purpose of conducting educational programs to increase public awareness and understanding of organ and tissue donation programs.

(This type of language would be appropriate for a line appropriation to MCV and UVA.)

OR

This money shall be granted to\_\_\_\_\_ for the purpose of conducting educational programs to increase public awareness and understanding of organ and tissue donation programs.

(This type of language would be appropriate for a one time grant to almost any agency - public or private. However, the appropriation would have to be made to a state agency.)

Mechanism #3. Coordinate the Subcommittee's work closely with the relevant subcommittee of the money committee. This is apparently one of the more successful methods for gaining approval of a budget amendment. When a Subcommittee of Appropriations or Finance makes a recommendation, it is more frequently looked on with favor by the other members of the standing committee. In the case of a request for funding of programs for organ procurement, the subject would most likely be considered by the Subcommittee on Human Resources of House Appropriations, chaired by Mrs. McDiarmid or possibly the Subcommittee on Higher Education, chaired by Mr. Manning.

APPENDIX D

LD6756586

HOUSE BILL NO. 1683

Offered January 22, 1985

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.1 establishing the Virginia Transplant Council.

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Patrons—Van Yahres, DeBoer, Maxwell, and Benedetti; Senators: Michie and Buchanan

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Referred to Committee on Health, Welfare and Institutions

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 32.1 a section numbered 32.1-297.1 as follows:

*§ 32.1-297.1. The Virginia Transplant Council.—For the purpose of conducting educational and informational activities and coordinating the organ and tissue procurement and transplantation efforts in the Commonwealth, there is hereby established the Virginia Transplant Council. The membership of the Council shall initially consist of the following organizations, each of whom shall have one vote: the University of Virginia Medical Center, the Medical College of Virginia, the Virginia Organ Procurement Agency, the Eastern Virginia Renal Transplant Program, the Eastern Virginia Tissue Bank, the Old Dominion Eye Bank, the Lion's Eye and Research Center of Eastern Virginia, the Eye Bank and Research Foundation of Virginia and the Southeastern Organ Procurement Foundation. In order to provide flexibility, viable coordination and prevent duplication of efforts, the member organizations may agree to include as members of the Council other organizations directly involved in organ or tissue procurement or transplantation as they deem appropriate.*

*The Board of Health shall be designated as budgetary administrator of the Council and shall receive such funds as may be provided by the General Assembly in the appropriations act. The Board shall provide technical oversight for the Commonwealth of the activities of the Council and shall require such fiscal and substantive reports of the Council as it deems necessary. The Board shall report to the 1988 and 1991 Sessions of the General Assembly on the activities of the Council.*

*The Council shall conduct its activities in consultation and coordination with other organizations whose goals are related to organ or tissue procurement or transplantation including, but not limited to the End Stage Renal Disease Network of the Virginias, the North American Transplant Coordinators' Organization, the National Kidney Foundation of Virginia, the National Liver Foundation and the Virginia Heart Association. To achieve its purpose efficiently and effectively, the Council may conduct its activities through its member organizations or may contract for services with appropriate parties.*

2. That this act shall become effective on July 1, 1986 and shall expire on July 1, 1991.



**HOUSE JOINT RESOLUTION NO. 298**

**Offered January 22, 1985**

*Requesting the Board of Education to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education program.*

---

Patrons—Maxwell, Van Yahres, DeBoer, and Benedetti; Senators: Buchanan, Canada, and Michie

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**Referred to Committee on Education**

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WHEREAS, medical technology related to transplantation of organs, bone and other tissues has become very sophisticated in recent years; and

WHEREAS, this technology is now capable of saving many patients' lives and enhancing the quality of life for many thousands; and

WHEREAS, although this technology is well accepted in the medical and scientific community, public understanding of its benefits is limited; and

WHEREAS, many people still view this technology as ghoulish or morbid without being sensitive to the comfort and solace organ and tissue donation can provide a grief-stricken family; and

WHEREAS, fear of the unknown or unusual and lack of understanding of technology and its applications can be alleviated through education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Education is hereby requested to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs by:

1. Developing and distributing materials on organ donation and transplantation to be used in the health education programs of the public schools at appropriate grade levels; and
2. Providing the local school divisions with information on the availability of speakers familiar with organ donation and transplantation through the Virginia Medical Society, the organ procurement agencies and the transplant programs.

In developing any materials on organ donation and transplantation, the Department of Education is also requested to work cooperatively with representatives of the organ procurement and transplant programs.

**HOUSE JOINT RESOLUTION NO. 298**

**Offered January 22, 1985**

*Requesting the Board of Education to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education program.*

---

Patrons—Maxwell, Van Yahres, DeBoer, and Benedetti; Senators: Buchanan, Canada, and Michie

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**Referred to Committee on Education**

---

WHEREAS, medical technology related to transplantation of organs, bone and other tissues has become very sophisticated in recent years; and

WHEREAS, this technology is now capable of saving many patients' lives and enhancing the quality of life for many thousands; and

WHEREAS, although this technology is well accepted in the medical and scientific community, public understanding of its benefits is limited; and

WHEREAS, many people still view this technology as ghoulish or morbid without being sensitive to the comfort and solace organ and tissue donation can provide a grief-stricken family; and

WHEREAS, fear of the unknown or unusual and lack of understanding of technology and its applications can be alleviated through education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Education is hereby requested to encourage the local school divisions to include instruction on the benefits of organ and tissue donation and transplantation in the public school health education programs by:

1. Developing and distributing materials on organ donation and transplantation to be used in the health education programs of the public schools at appropriate grade levels; and

2. Providing the local school divisions with information on the availability of speakers familiar with organ donation and transplantation through the Virginia Medical Society, the organ procurement agencies and the transplant programs.

In developing any materials on organ donation and transplantation, the Department of Education is also requested to work cooperatively with representatives of the organ procurement and transplant programs.

**HOUSE JOINT RESOLUTION NO. 300**

**Offered January 22, 1985**

*Requesting the Board of Medicine to inform physicians about the status of transplant technology and the legal and medical requirements for determination of brain death.*

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Patrons—Maxwell, Van Yahres, DeBoer, and Benedetti; Senators: Buchanan, Canada, and Michie

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**Referred to Committee on Health, Welfare and Institutions**

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WHEREAS, during the course of its deliberations, the joint subcommittee studying ways to increase participation in organ donor programs has heard testimony that lack of access to the families of potential donors is one of the major barriers to increasing anatomical gifts; and

WHEREAS, often this lack of access to the families of potential donors is the result either of professional practices based on misunderstandings or of a sincere desire to protect the family from additional pain; and

WHEREAS, many health professionals do not understand that organ and tissue donations present the family or next of kin with an alternative which may be a source of great comfort; and

WHEREAS, frequently health professionals do not have sufficient knowledge of transplant technology and how organ procurement is administered; and

WHEREAS, many practitioners do not have the time to seek out knowledge of specialty areas which are not in their field of expertise, but would welcome the opportunity to receive this information; and

WHEREAS, education of the professional community in the status of transplant technology, the benefits of organ and tissue donation and how organ and tissue donation are accomplished would dispel the misunderstandings and apprehensions of many professionals and thereby increase access to the families of potential donors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Medicine is hereby requested to inform physicians about the status of transplant technology and the legal and medical requirements for determination of brain death. In carrying out this function, the Board of Medicine is also requested to seek the cooperation of the organ procurement and transplant programs in Virginia including the University of Virginia Medical Center, the Medical College of Virginia, the Virginia Organ Procurement Agency, the Eastern Virginia Renal Transplant Program, the Old Dominion Eye Bank, the Lion's Eye and Research Center of Eastern Virginia, the Eye Bank and Research Foundation of Virginia, and the Southeastern Organ Procurement Foundation.

**HOUSE BILL NO. 1639**

**Offered January 22, 1985**

*A BILL to amend and reenact § 32.1-127 of the Code of Virginia, relating to the licensure of hospitals and nursing homes.*

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Patrons—Maxwell, Van Yahres, DeBoer, and Benedetti; Senators: Buchanan and Michie

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**Referred to Committee on Health, Welfare and Institutions**

---

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. Regulations.—A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety and to the provisions of ~~article~~ *Article 2* (§ 32.1-138 et seq.) of this chapter.

B. Such regulations shall include minimum standards for (i) the construction and maintenance of hospitals and nursing homes to assure the environmental protection and the life safety of its patients and employees and the public; (ii) the operation, staffing and equipping of hospitals and nursing homes; (iii) training of nursing home staff; and (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence.

C. Such regulations shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each licensed hospital which operates or holds itself out as operating an emergency room.

D. In its regulations, the Board may classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity.

*E. Further, such regulations shall also require that each licensed hospital establish an organ procurement for transplant protocol which encourages organ and tissue donation.*

**HOUSE JOINT RESOLUTION NO. 308**

**Offered January 22, 1985**

*Requesting agencies of the Commonwealth to cooperate with organ procurement and transplant programs in educating the public in the benefits of organ donation and transplantation.*

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Patrons—Maxwell, Van Yahres, DeBoer, and Benedetti; Senators: Buchanan, Canada, and Michie

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**Referred to Committee on Health, Welfare and Institutions**

---

WHEREAS, transplantation of tissues and organs is a relatively new development in medical technology; and

WHEREAS, although transplant technology is making tremendous strides, many lay people do not understand its life saving and enhancing capabilities; and

WHEREAS, the concept of organ and tissue donation is anathema to many people because until recently burial or cremation were the only alternatives available; and

WHEREAS, participation in organ and tissue donation programs is still quite low due to the lack of public awareness and understanding; and

WHEREAS, the education of the general public in the benefits of organ and tissue donation and transplantation would help overcome many misconceptions and fears; and

WHEREAS, the various agencies of the Commonwealth come into contact with virtually every citizen in Virginia; now, therefore, be it

**RESOLVED** by the House of Delegates, the Senate concurring, That the agencies of the Commonwealth including, but not limited to, the Department of Taxation, the Division of Motor Vehicles, the Alcoholic Beverages Commission, the Department of Education and the Department of Health are hereby requested to cooperate with the organ procurement and transplant programs operating in Virginia in every reasonable way to educate the public about the benefits of organ donation and transplantation.



COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

MITCHELL VAN YAHRES  
418 2ND STREET  
HARRISVILLE, VIRGINIA 22901  
NINTH-DISTRICT

COMMITTEE ASSIGNMENTS:  
EDUCATION  
COUNTIES, CITIES AND TOWNS  
AGRICULTURE  
MILITIA AND POLICE

February 22, 1985

Mr. Donald E. Williams, Commissioner  
Division of Motor Vehicles  
2300 West Broad Street  
Richmond, Virginia 23220

Dear Mr. Williams:

I would like to thank you and your staff for your interest in the work of the Joint Subcommittee Studying Ways to Increase Participation in Organ Donor Programs. We have completed our work with several bills and resolutions being passed in order to implement our recommendations. We also understand that it is the intention and policy of the Division of Motor Vehicles to implement the provisions of §46.2-375 and sympathize with the fact that you do not have adequate personnel to implement additional requirements.

The Joint Subcommittee would like, however, to express its strong support for the conscientious implementation of the information dissemination requirements of the law as provided in paragraph D of §46.1-375. As Chairman of the Joint Subcommittee, on behalf the members of the subcommittee I urge you to examine the procedures used to implement this requirement to ascertain if there is any way to assure that everyone who gets a driver's license in Virginia is aware of the Uniform Donor Document.

Again, let me express our sincere appreciation of your concerns and those of your staff and thank you and the Division for your participation in this study.

Sincerely,

Mitchell Van Yahres

MVY/bmm

cc: Delegates Benedetti, DeBoer and Maxwell  
Senators Buchanan and Michie



COMMONWEALTH of VIRGINIA  
*Division of Motor Vehicles*  
*2300 West Broad Street*

DONALD E. WILLIAMS  
COMMISSIONER

MAIL ADDRESS  
P. O. BOX 27412  
RICHMOND, VIRGINIA 23269

March 18, 1985

The Honorable Mitchell Van Yahres  
418 2nd Street  
Charlottesville, Virginia 22901

Dear Delegate Van Yahres:

Thank you for your recent letter on behalf of the Joint Subcommittee Studying Ways to Increase Participation in Organ Donor Programs.

As you request, we will be looking at ways of insuring that everyone who gets a Virginia driver's license is aware of the Uniform Donor Document. While distribution of a card describing the program has been part of the license issuing policy for some years now, as you well know, that policy has not always been carried out. We are working hard to rectify that situation.

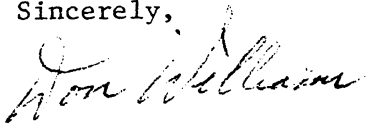
I think you will be especially interested to know that we are now working with several organizations who will promote signing organ donor cards in our branch offices. For instance, in Hampton, the Medical Society Auxiliary Group will display posters and possibly have volunteers serve as witnesses to signatures for drivers in that area. Lions Clubs have indicated an interest in similar activities in other areas.

We believe this will be a very effective way to call attention to the Organ Donor Program. Even if people do not stop at a table to talk to volunteers about the program, they will be made aware of it and very probably at least look at their card later--if not sign it.

The Honorable Mitchell Van Yahres  
March 18, 1985  
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If you or members of the Subcommittee are aware of groups who would be interested in promoting organ donor awareness in our branch offices, please refer them to me or to our Field Services Administrator, Betty D. Leap (804/257-6635).

Sincerely,



Donald E. Williams  
Commissioner

DEW/d

cc: Delegates Benedetti, DeBoer and Maxwell  
Senators Buchanan and Michie