

SB

38

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 28, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/2/97

The FINANCE Committee considered:

CSSSSB 38(JUD)

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 38(JUD)

ANATOMICAL GIFTS, LIVING WILLS & DNR ORDER

"An Act relating to anatomical gifts, living wills, and do not resuscitate orders."

recommends it be replaced with the following committee substitute HCS CS SB 38 (JUD) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DHSS 2/3/97

zero fiscal note(s) _____

zero fiscal note(s) DPS 2/3/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> MULLER	<input checked="" type="checkbox"/>			
<i>[Signature]</i> MARTIN	<input checked="" type="checkbox"/>			
<i>[Signature]</i> KOHRING	<input checked="" type="checkbox"/>			
<i>[Signature]</i> J. DAVIES	<input checked="" type="checkbox"/>			
<i>[Signature]</i> KELLY	<input checked="" type="checkbox"/>			
<i>[Signature]</i> G. DAVIS	<input checked="" type="checkbox"/>			

acting

CHAIR'S SIGNATURE

[Signature]

MULLER

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: _____ No. 2
Bill Version: SSSB 38
(S) Publish Date: 2-3-97

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to anatomical gifts, living wills, BRU: Motor Vehicles
and do not resuscitate orders. Component: Field Services
 Sponsor: Senator Taylor
 Requestor: S. H. G. J. COMPONENT SERIAL NO. 0502

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will not fiscally impact the Division of Motor Vehicles

Prepared By: Juanita M. Hensley Phone: 465-2650
 Division: Motor Vehicles Date: 1/24/97
 Approved by Commissioner: Ronald L. Otte Date: 1/29/97
 Agency: Ronald L. Otte, Dept. of Public Safety

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1

Bill Version: SSSB 38

(S) Publish Date: 2-3-97

Revision Date: _____
Title: Anatomical gifts, living wills and do not resuscitate orders
Sponsor: Taylor
Requestor: Senate HES

Dept. Affected: Health and Social Services
BRU: State Health Services
Component: Community Health/EMS Services
COMPONENT SERIAL NO. 2078
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	2.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	2.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that the Division of Public Health contract for a graphic artist, \$2.0, to design the symbols to be used on bracelets, necklaces and ID cards to alert medical attendants of their choices.

Prepared by: Peter M. Nakamura, MD, MPH
Division: Public Health

Phone: (907) 465-309
Date: 01/29/97

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 1/30/97

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Alaska State Legislature

Chairman,
Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor
Senate Majority Leader

SPONSOR STATEMENT

SENATE BILL 38

This legislation modifies existing statutes dealing with living wills and would add a provision by which those who execute a living will can choose through that document to become an organ donor. By adding this provision to the statutory language suggested for a living will, loved ones and health care professionals would be fully informed as to the wishes of family members and patients.

In addition to adding anatomical gifts to the language of a living will, SB 38 would instruct the Division of Motor Vehicles to indicate on drivers' licenses not only the fact that the bearer has elected to become an organ donor, but also that the individual has a living will. This provision generated the fiscal note on the bill, which totals \$2,000 for design of the logo.

SB 38 has been thoroughly examined in the committee process and has been amended to address concerns raised by the Emergency Medical Services Section of the state Division of Health as well as organ banks in Alaska and Washington state.

To give you an idea of the scope of organ transplants involving Alaskans, we contacted the Center for Transplant Services at the University of Washington Hospital.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Sponsor Statement - SB 38

Page Two

Since 1989, 19 Alaskans have received kidney transplants through that facility. Twelve Alaskans have received liver transplants and one state resident received both a kidney and a pancreas.

To understand the need to make organ donation as uncomplicated as possible, we point out that as of January 24, 1997, this one facility had a waitlist of 20 Alaskans in need of kidney transplants, 11 seeking donor livers and one state resident awaiting a donated pancreas.

The Virginia-based United Network for Organ Sharing, a national clearing house for organ transplants, has 68 Alaskans on the waitlist.

Since 1988, the United Network for Organ Sharing documents 207 Alaskans who have received donor organs.

Anchorage Daily News



Fuller A. Cowell
Publisher

Kent Pollock
Editor

Michael Carey, Editorial Page Editor

Gerald E. Gilly, Publisher, 1984-1993
Katherine Fanning, Editor and Publisher, 1971-1983
Lawrence Fanning, Editor and Publisher, 1967-1971
Founded in 1948 by Norman C. Brown

Extending life

Organ and tissue donations provide way

In the midst of grief, an Alaska mother made a decision last year that gave two children a second chance at life. When Christina Ely's own kids — 5-year-old Jessica and 4-year-old Corey — were shot and killed by their father, Ms. Ely agreed to donate tissue from the bodies of both children.

Hers was an act of courage.

And it is an inspirational act that is repeated dozens of times a year in Alaska. Most recently, the family of Matthew Troutman, the toddler killed in Turnagain Arm, chose to donate his heart valves.

Last year, families of 149 donors allowed medical personnel to remove body organs and/or body tissue from dead or brain-dead loved ones for transplant. 'It's rather incredible the neighbor-helping-neighbor attitude that we see so many times,' says Jens Saakvitne of

About 70 percent of bereaved families contacted by the nonprofit Life Alaska Transplant agree to organ or tissue donations, says executive director Jens Saakvitne. High-pressure tactics aren't used, either. "We will never, ever, ever ask a family to donate," he notes. "We will say, 'One of your options may be that of tissue donation, but there's no wrong decision.'"

Last year, families of 149 donors allowed medical personnel to remove body organs and/or body tissue from dead or brain-dead loved ones for transplant. "It's rather incredible the neighbor-helping-neighbor attitude that we see so many times," says Mr. Saakvitne.

Transplant.

Because of that generosity of spirit, a 3-year-old Chicago girl received Jessica Ely's aortic heart valve

earlier this month, and a Seattle newborn received her pulmonary valve at, appropriately enough, Thanksgiving time. (Life Alaska's policy is to first offer donated tissue to Alaska patients and physicians before making it available outside the state.)

Alaskans who sign on as organ donors when they apply for or renew their state driver's or operator's license, identification card or vehicle registration may be surprised to know that their stated wish may not be honored. "The problem, most of the time, is that donor cards are not found," explains Mr. Saakvitne. To complicate matters, the medical community cannot tap into state Department of Motor Vehicle records to see if a dead or dying person wanted to be an organ and tissue donor.

A bill introduced by Sen. Robin Taylor may alleviate some of the confusion. It would require the department to design a symbol for, say, a driver's license to notify emergency or medical personnel of the car holder's donor status. The symbol, which also could be used on necklaces or bracelets, also would apply to Alaskans with living wills or standing do-not-resuscitate orders.

The changes wouldn't be foolproof. Saakvitne of Life Alaska thinks the ideal solution would be 24-hour computer access to state DMV records pertaining to living wills, organ donations and do-not-resuscitate orders. But the proposed changes would be a step forward for Alaskans who want their life's end to provide a new beginning for someone else.

Sunday 2/16/97

Transplants a salve in Ely tragedy



Jessica Ely



Corey Ely

By DANIELLE STANTON
Daily News reporter

Two Outside children are alive today because of heart tissue donated by 5-year-old Jessica Ely, who was fatally shot by her father last year, family members said Friday.

Jessica's aortic heart valve was transplanted into a 3-year-old Chicago girl a few days before Monday when Jessica would have turned 6 years old. Her pulmonary valve was given to a 4-year-old Seattle boy in late November.

"It makes me feel really good that there are two (children) out there that are alive due to my kids," Jessica's mother, Christina, said. "It makes me feel like they're still kind of alive."

Both children are in good condition, said Jens Saakvitne, director of Life Alaska Treatment in Anchorage.

"It's a little bit of nice on a godawful situation," Saakvitne said.

Jessica and her 4-year-old brother, Corey, were shot to death last October by their father, Paul Ely Jr. The elder Ely also killed an Anchorage police officer before killing himself. Christina Ely suffered a gunshot wound during the attack.

Life Alaska approached Christina Ely while she was in the hospital. The decision was easy, she said Friday. "They asked if I wanted to donate the kids' organs, and I said, 'Yes, if it will help another kid's life, then that's what I'd like to do.'"

"I would never ever want any parent to go through what I went through, and now their kids are alive," she said.

Two of Corey's heart valves also will be transplanted when a matching recipient is found, Saakvitne said.

Alaska may have the highest rate of organ and tissue donors per capita in the Northwest, Saakvitne said, based on his experience in the business. No official numbers are recorded, he said.

Last year alone Alaska had 72 heart valve donors, he said.

"Most families approached about donating, despite their pain, are willing to make a fabulous gift," Saakvitne said.

Life Alaska, Inc.

Tissue Procurement Service
P. O. Box 230785
Anchorage, AK 99523
1-907-562-5433 - 1-800-719-5433
Fax 1-907-562-5333



February 14, 1997

ATTN: The Honorable Senator Robin Taylor
Chair, Senate Judiciary Committee
Health Education and Social Services

FROM: Fran McNeill
Family Care Coordinator
Life Alaska, Inc.

RE: Senate Bill 38

My name is Fran McNeill. I am employed by Life Alaska, Inc. as the Family Care Coordinator. I am here today in place of my Director, Jens Saakvitne, who had a medical emergency.

Life Alaska, Inc. supports Senate Bill 38. This bill facilitates the communication of an individual's wishes regarding living wills, do not resuscitate orders, and anatomical gifts. It supports individual autonomy and self-determination and respects the individual's right to make this very personal decision. Furthermore, it ensures that people will have an opportunity to make these choices independent of crisis and would encourage them to discuss their decisions with family members. The family burden is eased by knowing what a loved one wants, and families may approach these decisions knowing that they have honored their loved one's request.

Sincerely,

Fran McNeill
Family Care Coordinator

Life Alaska, Inc.

Tissue Procurement Service
P. O. Box 230785
Anchorage, AK 99523
1-907-562-5433 • 1-800-719-5433
Fax 1-907-562-5333



RECEIVED FEB 20 1997

February 17, 1997

The Honorable Robin Taylor
Room 30
State Capitol
Juneau, AK 99801-1182

RE: SB38

Dear Senator Taylor:

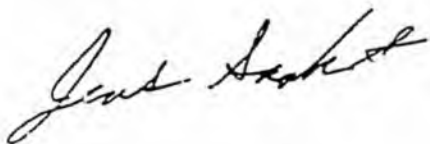
Regarding the amendment to Sec.3. AS 13.50.030 addressing persons or agencies authorized to remove or transplant part of a decedent's body:

- ◆ It is accepted practice in all fifty states for trained non-physician technical staff to procure tissues such as corneas, heart-valves, bone, and skin from non-heartbeating cadavers.
- ◆ While most states do not address the issue, it is universal practice for medically licensed surgeons to perform the more technically complex organ procurement such as kidney, heart, and liver donation.
- ◆ All tissue and organ transplant into living patients must be performed by licensed physicians. Typically, surgery is performed by specially trained transplant surgeons.
- ◆ In Alaska, trained technical staff have performed all tissue donations. Several MDs have assisted in training the local staff.
- ◆ In Alaska, surgeons who fly up from Seattle, Portland, or California perform most organ donation surgery. Occasionally, kidneys are procured by an Alaska surgeon who has received specific training.
- ◆ Life Alaska would welcome the assistance of a physician in Wrangle, Bethel or anywhere else performing donor surgery if we cannot arrive in time, or working with us if they have an interest. This has happened several times already.
- ◆ Organs and tissues are given to the most medically urgent person waiting for a transplant. Potential tissue and organ recipients decide who their transplant surgeon will be.
- ◆ Donation surgery is typically done by whatever tissue or organ bank provides donor coverage for that region. The Tissue or organ bank will send the technician or surgeon on call to perform the donation surgery.

Because the donor technician or surgeon is decided by which transplant agency covers an area, nearly all states have deleted the concept of designating the surgeon or physician (or even agency) to remove a part of a donor's body. Donors are universally allowed to designate a particular recipient if they desire (most don't designate, which allows the tissue or organ to be placed with the most urgent recipient). The amended wording (including "appropriate Alaska organ or tissue bank or") will not have any negative effect.

I hope this is helpful in clarifying current practices. Thank you again for all of your efforts in support of donation, transplantation and the families. Please call me at any time with questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jens Saakvitne".

Jens Saakvitne
Director

United Network for Organ Sharing

1

Transplants performed between January 1, 1988 and September 30, 1996

Reported Patient State of Residency: Alaska
By Year and Organ

Year of Transplant	Organ					Total
	Heart	Kidney	Liver	Lung	Pancreas	
1988	3	1	2	1	0	7
1989	3	6	3	0	0	12
1990	3	10	6	0	0	19
1991	4	21	6	1	1	33
1992	3	13	4	0	1	21
1993	5	15	11	2	0	33
1994	1	18	4	1	0	24
1995	6	24	6	2	0	38
1996	2	15	1	2	0	20
Total	30	123	43	9	2	207

Based on UNOS OPEN/Scientific Registry Data as of January 27, 1997
Data subject to change due to future data submission or correction

United Network for Organ Sharing
 Number of Registrations on the Wait List from Reported Residents of Alaska

Organ					
Heart	Kidney	Kidney-Pancreas	Liver	Lung	Total
Number of Registrations	Number of Registrations	Number of Registrations	Number of Registrations	Number of Registrations	Number of Registrations
2	51	2	12	1	68

Based on UNOS OPTN/Scientific Registry data as of January 27, 1997
 Data subject to change based on future data submission or correction.

Current Status:

	Jrn-Date	Jrn-Page		Action
1	01/10/97	24	(S)	PREFILE RELEASED 1/10/97
2	01/13/97	24	(S)	READ THE FIRST TIME - REFERRAL(S)
3	01/13/97	24	(S)	HES, JUD
4	01/24/97	125	(S)	SPONSOR SUBSTITUTE INTRODUCED-REFERPALS
5	01/24/97	125	(S)	HES, JUD
6	02/03/97	207	(S)	HES RPT 4DP 1NR
7	02/03/97	207	(S)	DP:WILKEN, WARD, LEMAN, GREEN; NR:ELLIS
8	02/03/97	207	(S)	FISCAL NOTE TO SS (DHSS)
9	02/03/97	207	(S)	ZERO FISCAL NOTE TO SS (DPS)
10	02/05/97	237	(S)	FIN REFERRAL ADDED FOLLOWING JUDICIARY
11	02/17/97	379	(S)	JUD RPT CS 3DP SAME TITLE
12	02/17/97	379	(S)	DP: TAYLOR, PARNELL, PEARCE
13	02/17/97	379	(S)	FN SAME AS PREVIOUS (DHSS)
14	02/20/97	429	(S)	ZERO FN SAME AS PREVIOUS (DPS)
15	02/25/97	492	(S)	FIN RPT 5DP 2NR (JUD)CS
16	02/25/97	492	(S)	DP: SHARP, PEARCE, DONLEY, TORGERSON,
17	02/25/97	492	(S)	PARNELL NR: ADAMS, PHILLIPS
18	02/25/97	492	(S)	PREVIOUS FN (DHSS)

Selection=>

Current Status:			
Jrn-Date	Jrn-Page		Action
1	02/25/97	492	(S) PREVIOUS ZERO FN (DPS)
2	02/27/97	536	(S) RULES TO CALENDAR 2/27/97
3	02/27/97	538	(S) READ THE SECOND TIME
4	02/27/97	538	(S) JUD CS ADOPTED UNAN CONSENT
5	02/27/97	539	(S) ADVANCED TO THIRD READING UNAN CONSENT
6	02/27/97	539	(S) READ THE THIRD TIME CSSSSB 38(JUD)
7	02/27/97	539	(S) PASSED Y17 N- E3
8	02/27/97	543	(S) TRANSMITTED TO (H)
9	03/05/97	535	(H) READ THE FIRST TIME - REFERRAL(S)
10	03/05/97	535	(H) JUDICIARY, FINANCE
11	04/28/97	1368	(H) JUD RPT HCS(JUD) 5DP
12	04/28/97	1368	(H) DP: PORTER, GREEN, JAMES, BUNDE
13	04/28/97	1368	(H) BERKOWITZ
14	04/28/97	1368	(H) SENATE FISCAL NOTE (DHSS) 2/3/97
15	04/28/97	1368	(H) SENATE ZERO FN (DPS) 2/3/97
16	04/28/97	1368	(H) REFERRED TO FINANCE

Selection=> _____