

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 862
By: Gallegos
Health Services
3/24/1999
Committee Report (Substituted)

DIGEST

Currently, organ allocation stems from the 1984 federal law, the Organ Procurement and Transplantation Act (PL 98-507), which gives the U.S. Department of Health and Human Services jurisdiction over the national organ allocation program. The United Network for Organ Sharing (UNOS) is a private organization contracted to administer the national Organ Procurement Transplant Network, which directs organ allocation. Under this system, organs are offered first to local patients waiting at transplant centers served by one of the three organ procurement organizations in Texas. Organ allocation consists of combined patient waiting lists in either a UNOS region or to all transplant centers within a 500-mile radius of the donor hospital, if the organ cannot be transplanted in the area where it was recovered. C.S.S.B. 862 would require organs recovered in Texas to stay in Texas, if there is a patient waiting in the state and the organ is deemed suitable.

PURPOSE

As proposed, C.S.S.B. 862 sets forth provisions regarding the donation of organs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 692.002, Health and Safety Code, by amending Subdivision (9) and adding Subdivisions (10) and (11), to redefine "qualified organ or tissue procurement organization," and to define "transplant center" and "waiting list."

SECTION 2. Amends Section 692.005, Health and Safety Code, to authorize certain persons to be donees of gifts of bodies or parts, including a qualified organ procurement organization, for distribution to another person who may be a donee under this section, to be used for transplantation. Makes conforming changes.

SECTION 3. Amends Section 692.006(a), Health and Safety Code, to provide that a qualified organ procurement organization in this state is considered the specified donee, if the person dies in this state and does not specify the donee and the gift is a vascular organ that is suitable for transplantation. Authorizes the attending physician to accept the gift as donee at the time of death or after death for any other gift that is not made to a specified donee. Makes conforming changes.

SECTION 4. Amends Chapter 692, Health and Safety Code, by adding Section 692.0145, as follows:

Sec. 692.0145. DISTRIBUTION OF VASCULAR ORGANS FOR TRANSPLANTATION. Requires a qualified organ procurement organization that receives the gift of a vascular organ that is suitable for transplantation to distribute the organ to an individual anywhere in the State of Texas, based on a single statewide waiting list for organs. Provides that statewide organ allocation replaces organ procurement organization allocation and waiting lists. Authorizes the qualified organ procurement organization to transfer a vascular organ to an out-of-state organ procurement organization or a suitable out-of-state recipient for transplantation if certain conditions exist.

SECTION 5. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 692.002, Health and Safety Code, by amending Subdivision (9), to redefine “qualified organ or tissue procurement organization.”

SECTION 4.

Amends Section 692.0145(a), Health and Safety Code, to require a qualified organ procurement organization that receives the gift of a vascular organ that is suitable for transplantation to distribute the organ to an individual anywhere in the State of Texas, based on a single state wide waiting list for organs. Adds text providing that statewide organ allocation replaces organ procurement organization allocation and waiting lists.

Amends Section 692.0145(b), Health and Safety Code, to authorize the qualified organ procurement organization to transfer a vascular organ to an out-of-state organ procurement organization or a suitable out-of-state recipient for transplantation, if certain conditions exist. Deletes text requiring the organ procurement organization that receives the organ to offer the organ to another qualified organ procurement organization for distribution to an individual on a waiting list and to be transplanted at a transplant center in another state, if the organ will not be used for transplantation in this state.