



The MTN Minute

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A Message from the Editor



I am honored to be a new member of the MTN team in the Westwood, Kansas office. I joined MTN on April 1, 2019, as the Corporate Attorney and liaison to lawmakers in Western Missouri, Kansas and Washington D.C. On each day over the past three months I have encountered new and exciting challenges and opportunities to learn from and work with my impressive co-workers. I have also had occasions to engage with knowledgeable stakeholders and legislators from Missouri and Kansas who represent the residents of MTN's Donor Service Area (DSA). As an

attorney with a background in litigation and employment law, I have hit the ground running at MTN reviewing and drafting contracts, policies and procedures as well as handling day-to-day case management. I also have the pleasure of spear-heading MTN's lobbying efforts and building relationships with local, state and national lawmakers—tasks which allow me to put my Political Science degrees (B.A. and M.A.) and previous policy and legislative experience to work. I look forward to sharing policies and legislative issues with you that impact organ, eye and tissue donation in Missouri and Kansas and keeping you informed of the work MTN is doing, not only in hospitals and communities, but also in government. I hope you enjoy the articles in this edition of The MTN Minute.

I look forward to engaging with all of you as we work to save and enhance lives by championing and honoring tissue and organ donation.

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Tackling the Hill on AOPO Advocacy Days 2019



MTN's CEO, Jan Finn, and Salama Gallimore, took to Capitol Hill on April 10 and April 11 to speak to lawmakers about passing and protecting legislation that advances the mission of saving and enhancing lives through tissue, eye and organ donation. Advocacy Days were organized by the Association of Organ Procurement Organizations (AOPO) which is headquartered in Washington, D.C. and acts, in part, as a liaison between the fifty-eight Organ Procurement Organizations (OPOs) in the nation and government regulators. Thirty-four OPOs were represented during Advocacy Days and OPO staff members met with multiple legislators in their DSAs. Finn and Gallimore attended in-person meetings with Representative Sharice Davids (D-KS) and Representative John Marshall, MD (R-KS). Additionally, Finn and Gallimore attended meetings with many informed legislative staff members representing Senators Josh Hawley (R-MO), Roy Blunt (R-MO) and Jerry Moran (R-KS) and Representatives Emmanuel Cleaver II (D-MO), Ron Estes (R-KS), Sam Graves (R-MO) and Vicky Hartzler (R-MO). Finn and Gallimore educated legislators and legislative staffers about the organ donation process and urged policy makers to consider several recommendations to increase organ donation and transplantation, including promoting the use of organs from more complex donors, improving hospital clinical support for organ donors, promoting the use of organ recovery centers and ensuring OPO access to donor hospital electronic health records (EHRs). Both Finn and Gallimore were enthused by their productive meetings on The Hill and look forward to representing MTN at AOPO Advocacy Days in 2020!

Ethics, Execution and Inmate Donors in Missouri

On January 22, 2019, Representative James Neely (District 8) introduced Missouri House

Bill 630 (HB 630), which would require the Missouri Department of Corrections to administer lethal injections in a manner that allowed consenting inmates to donate their organs. Rep. Neely introduced HB 630 years after news stories from [Texas](#) and [Ohio](#) garnered national attention when convicted death row inmates requested to be organ donors. Rep. Neely's bill brought this discussion to Missouri as lawmakers waded through the practical and ethical considerations of condemned inmate organ donation.

Both Midwest Transplant Network and Mid-America Transplant (MAT), the two federally-designated OPOs in Missouri, opposed HB630 and communicated several concerns about the Bill to Missouri Representatives in written letters and in-person meetings. HB 630 was referred to the House Corrections and Public Institutions Committee on April 18. On April 29, MAT's General Counsel, Lauren Brenner, and MTN's Corporate Attorney, Salama Gallimore, traveled to Jefferson City to meet with members of the Corrections and Public Institutions Committee. Brenner and Gallimore communicated the following concerns regarding the practicality of HB 630:

- Inmates executed by lethal gas or injection do not die on life support, meaning that donation must be accomplished using donation after circulatory death (DCD) protocols which require rapid organ retrieval after a five-minute waiting period and a sterile facility, which most prisons lack, making organ retrieval impractical or nearly impossible
- It is unlikely that hospital administrators or medical professionals will support executions which occur in a hospital setting
- Medical professionals trained to perform organ retrieval and transplantation may decline procedures associated with execution for moral/ethical reasons
- The Bill places a heavy burden on the Department of Corrections to implement the law effectively and safely which would involve significant and specialized health care expertise which the Department lacks

MTN and MAT were also concerned that HB 630 could create additional stigma surrounding organ donations, thereby reducing authorization rates and ultimately putting Missouri lives at risk. MTN and MAT staff members and organ recipients planned to attend the public Committee hearing on April 30 to oppose HB 630. Ultimately, the Committee hearing was cancelled, and Rep. Neely chose not to move forward with the Bill during this session. MTN will continue monitoring legislation introduced next session to identify similar bills pertaining to condemned inmate donation.



Legislators Attempt to Regulate Whether OPOs May Approach Families to Discuss the Ultimate Gift

Missouri Senator Justin Brown (District 16) introduced Senate Bill 282 (SB 282) in January of 2019 which modified provisions relating to the disposition of human remains. On April 20, 2019, Senator Mike Cunningham offered an amendment (SA 2) to SB 282 which was designed to limit the ability of OPO staff members to approach potential donors or donor families after receiving notice from the hospital of any refusal expressed by the potential donor, their agent, or any legal next of kin or agent having priority to make an anatomical gift on behalf of the potential donor. In response to this Bill, MTN and MAT joined forces to express general opposition to the amendment (SA 2) and its vague language.

CEO of MAT, Diane Brockmeier, and MTN CEO, Jan Finn, in a joint letter to lawmakers, wrote, “MAT and MTN are committed to saving the lives of Missourians every day by facilitating the donation process. We serve as the front line for donation authorization, deploying compassionate and well-trained staff to Missouri hospitals to approach and counsel families on organ donation. This role is mandated under federal law; specifically, under [42 C.F.R. 482.45](#).”

In their letter, the CEOs also informed legislators that SA 2 places an additional burden on hospitals to interpret not only who within the hospital is qualified to relay authorization information, but also constitutes a hospital’s knowledge of an objection or refusal to donate organ and tissue. This vague nature of SA 2 could lead to a variety of interpretations across hospitals, resulting in inconsistent application of the law. Additionally, Brockmeier and Finn reminded legislators that 88 Missourians died waiting for a transplant in 2018 and reiterated their commitment to increasing authorization for donation without compromising an individual’s or family’s wishes surrounding end of life decisions.

SB 282 made its way to the House and was referred to the Special Committee on Aging where a hearing occurred on May 1, 2019. Attorneys Brenner (MAT) and Gallimore (MTN)

attended the hearing along with Brockmeier and Tara Powell, an MTN Family and Hospital Service Coordinator, eager to inform Committee members of an OPOs duty and legal responsibility to ask potential donor family members if they have considered organ, eye and tissue donation. Additionally, a liver recipient from the St. Louis area delivered a heartfelt speech in which she described the enormous impact of her lifesaving transplant and concerns that the amendment to SB 282 would decrease family authorizations. Ultimately, Sen. Brown, agreed to remove Sen. Cunningham's amendment from the Bill and the Committee members introduced a House Committee Substitute Bill (HCS) without the disputed OPO language. SB 282 was passed by the Missouri Senate and House and delivered to the governor on May 29, 2019. Governor Parsons vetoed SB 282 on July 12, 2019.

From Operating Room to Courtroom: The Liver Allocation Policy Debate

In December of 2018 the Organ Procurement and Transplantation Network (OPTN) Board of Directors approved an updated liver distribution policy which removed reliance on the geographical boundaries of 58 donor service areas (DSAs) to move toward a system that eliminates reliance on where the liver transplant recipient lives. Advocates of the new policy, including the United Network for Organ Sharing (UNOS), believe that the new system will eliminate inequities that emerged over time within the old policy that led to unfair advantages and disadvantages based on where transplant recipients lived. UNOS' CEO, Brian Shepard, stated that the new system prioritizes the medical urgency of liver transplant candidates and "improves upon the previous system to make it fairer by providing more equitable access to a transplant for the benefit of all patients based on medical need."^[1] Opponents of the new allocation policy, which include outspoken U.S. Senators [Roy Blunt](#) (R-MO) and [Jerry Moran](#) (R-KS), argue that the proposed changes to the liver policy are wrong because "the new OPTN policy will have a chilling effect on Midwestern and Southern states as well as rural areas... the policy rewards locations that underutilize existing organ donation resources and have historically troubled organ procurement organizations."^[2] This debate has now moved to the courtroom after transplant centers and transplant patients in the South and Midwest filed a Complaint and Motion for a Temporary Restraining Order (TRO) on April 22 to block implementation of the new liver allocation policy. The Plaintiffs' Motion for a TRO was initially denied and later granted by District Court Judge Amy Totenberg pending a decision from the Eleventh Circuit Court of Appeals on the transplant centers' appeal of Judge Totenberg's initial decision to deny the TRO. Stay informed of updates regarding the case [here](#).



On April 3, 2019, MTN hosted a Transplant Program Luncheon to discuss the impact of the proposed liver allocation policy changes on transplantation in MTN's DSA. The program was attended by surgeons, physicians, transplant administrators and governmental relations staff members who work at Transplant Centers in Missouri and Kansas.



Efforts to Keep Organs in the Sunflower State

On March 12, 2019, Kansas legislators on the Public Health and Welfare Committee held a hearing to discuss Senate Bill 194 (SB 194) which was created in response to changes to

the national liver allocation policy with the goal of allowing Kansas residents to specify that their donated organs must go to Kansans. Specifically, SB 194 states, “any citizen or resident of the state of Kansas has the inherent right to make a decision about whether to be a donor and thereafter about the conditions of use of an anatomical gift for any authorized purpose under the revised uniform anatomical gift act.” Currently, about 77% of Kansans are registered tissue, eye and organ donors which is a significantly higher percentage than most states in the nation, which is why legislators are working to keep organs local.^[3] The Bill instructs the Kansas Department of Health and Environment to figure out how to allow Kansans to make conditional anatomical gifts by July 2020.

MTN has not taken a stance on SB 194; however, CEO Jan Finn, has stated publicly that SB 194 “would be really challenging for [MTN] because we need to follow the UNOS policies that we are bound by as an organ procurement organization.”^[4] Finn’s statement refers to UNOS policies which do not permit donors or OPOs to specify or restrict donations by state.

Ultimately, Committee members recommended SB 194 be passed and the Bill was placed on the Senate calendar; however, SB 194 did not move off the Senate calendar prior to the end of session in May. MTN will continue tracking any similar bills introduced when session resumes in January 2020.

Visitors Welcome!

Did you know that MTN loves to host visitors? If you are a legislator or legislative staffer who would like to visit MTN while visiting your district, please do not hesitate to contact Salama Gallimore (sgallimore@mwtm.org) to arrange a visit of MTN’s headquarters in Westwood, Kansas.

MTN was happy to host Legislative Correspondent Jake Vance from Senator Jerry Moran’s Office on May 28, 2019. Mr. Vance enjoyed a tour of MTN’s tissue recovery suite and laboratory followed by an informal meeting with MTN’s leadership team.

Fast Facts About Donate Life Month 2019

- April is National Donate Life Month!
- During the Month of April, Missouri lawmakers considered several resolutions in support of organ, eye and tissue donation, including:
 - **HCR 56** – Designating April as “Donate Life” month in Missouri
 - **HCR 55** –Designating the first week of August as “Minority Organ Donor Awareness Week” in Missouri
 - **SCR 21** –Designating August as Minority Organ Donor Awareness Month
 - **HR 2853** – Expressing support to U.S. Senators Blunt and Hawley in

their endeavor to protect Missourians from changes to the national liver distribution policy. (Adopted 5/9/19)

- Supporters of organ, eye and tissue donation showed their support during April by wearing blue and green, especially on Blue and Green Day, which was celebrated on April 12, 2019.

[1] UNOS, Making Liver Distribution More Fair and Equitable: New National Liver Transplant System Makes Allocation More Equitable and Saves More Lives, www.unos.org (June 25, 2019), <https://unos.org/policy/liver-distribution/>.

[2] Sens. Moran, Blunt Call for Delay in Liver Allocation Policy Pending GAO Study, www.moran.senate.gov (May 2, 2019), <https://www.moran.senate.gov/public/index.cfm/2019/5/sens-moran-blunt-call-for-delay-in-liver-allocation-policy-pending-gao-study>.

[3] Donate Life America, Registry Overview Report Q4, (2018).

[4] Alana LaFlore, Proposed Bill Would Make Sure Kansas Organ Donations Can Stay Inside Sunflower State, Fox4KC (April 5, 2019, 7:26 PM), <https://fox4kc.com/2019/04/05/proposed-bill-would-make-sure-kansas-organ-donations-can-stay-inside-sunflower-state/>.



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