



Independent Democratic Conference

Lauren's Law S 3885

April 2011

Lauren's Story

Three years ago, a young girl from Nyack, New York named Lauren Shields began what would be the toughest fight of her and her family's life. Told that she had a caught a virus that was attacking her heart, Lauren Shields at the age of 7 went into heart failure. Despite rounds of various medications and due to conventional treatments failing, doctors made the determination that the only option was a heart transplant. And so began the waiting game that nearly 110,000 thousand men women and children in the United States experience each year--- the wait for an organ transplant.

On March 4, 2009, with time running out Lauren was put on cardiac and respiratory life support while a machine pumped her failing heart for her. Two weeks later, on March 18, 2009, just when it seemed that all hope was lost, a donor was found. Lauren received a new heart and is now able to live her life thanks to the selfless choice by a family whom she and her family has never met. If not for the choice that donor family made that day, Lauren would not be able to serve as an example of the importance of the New York State Organ Donor Registry and the need to make sure every New Yorker knows their option when it comes to being an organ donor. ¹

Organ Donation in the United States and New York

As pointed out earlier, nearly 110,000 men, women and children are waiting for organs for transplantation in the United States. In fact, every 11 minutes, a new name is added to the national waiting list for organs. Unfortunately, the rate at which names is added is compounded by the rate at which names are removed because the wait became too long. On average, 18 people die every day because of the lack of donated organs.

Under the law of the United States, the regulation of organ donation is left to states. Each State's Uniform Anatomical Gift Act seeks to streamline the process and standardize rules among the various states within the limitations of the Uniform Determination of Death Act, the National Organ Transplant Act of 1984, and the United Network for Organ Sharing.

¹ Organdonor.gov, U.S. Department of Health and Human Services, U.S. Government Information on Organ and tissue Donation and Transplant, www.hhs.gov, April 4th, 2011.

With the desired goal of each state to increase those who are willing to be an organ donor, many states have sought to encourage organ donations by utilizing the ability to have consent to donate be noted on the driver's license.

In New York, before 2001, signing up to be an organ donor at the time of obtaining a drivers license was not even an option. However in 2008, signing up as an organ donor at the DMV became legally binding, but currently there is no legal requirement for the question on the DMV registration form to be answered by those registering for a license.

Lauren's Law

In New York State there are three ways to sign up for the New York State Donate Life Registry. You can sign up through the New York State Health Department's web site, <http://www.health.ny.gov/donatelife> or on your voter registration form. The third way is that you can sign up when you obtain a driver license or non-driver identification (ID) card, or when you renew your driver license by signing the donor box that appears on each of these forms.

Currently, on the New York State application for Driver License or Non-Driver ID Card (MV-44), an applicant in New York State has the option of signing their signature to a section on the form labeled New York State Organ and Tissue Donation. This signature authorizes the DMV to transfer your name and identifying information to the Department of Health for enrollment in the Registry. However there is no requirement that this section even be filled out by an applicant. By failing to require this important and possibly life saving decision be made by every New Yorker, many who may be inclined to be organ donors might simply not register due to the fact that they miss the section asking for their consent or their concerns for time and expediency leads them to simply skip over the section all together.

That is why Senator Carlucci has introduced S. 3885 otherwise known as Lauren's Law. The purpose of Lauren's Law is to change existing law so that individuals who apply for a New York State Drivers License **must** complete the section of the application as it pertains to the organ donor registry. The applicant must check the box for either "yes" or "not at this time" under the organ donor registry section of the application.

Therefore, under this legislation, in order for a DMV application to be processed in New York State each resident applying for a driver license or a non driver id card, would have to actively choose to opt in or opt out of the organ donor program. By mandating this section to be filled out as opposed to making it optional, New York State empowers each individual to proactively make their own individual choice about organ donation and not let time constraints make that decision for them.

Why We Need Lauren's Law In New York State

The need for life-saving transplants is dire in New York State, as the percentage of eligible people actually registered to donate lags behind most states .Only 13 percent of eligible New Yorkers were registered to be donors as of 2009, compared to states like Wyoming and Alaska where the numbers exceed 70 percent.

²However, approximately 9,600 people need lifesaving organ transplants in New York State. ³

One of the best tools any states across the nation have to increase enrollment in the organ donation registry is through the DMV. The Department of Motor Vehicles as an enrollment channel accounts for 97% or more of donor registrations in most states. ⁴ Furthermore, in the 26 states and the District of Columbia that were able to track donor designation rates in the last quarter of 2009, 35.8 % of DMV driver's licenses and ID card applicants signed up as donors.

However, in New York State out of over three million driver's licenses and non driver's identification cards issued in 2009, there were only 427,000 donor designations made. This left New York dead last among the states whose data was collectable, with only an 11% sign up rate.

Comparing this to states like Colorado and Iowa whose designation rates were above 60%, the need to address the lack of use of the DMV application as a tool to build up the New York Registry is imperative.

² "Medicine: New York Needs Organ Donors" Rochester City Newspaper, April 28th, 2010

<http://www.rochestercitynewspaper.com/news/articles/2010/04/MEDICINE-New-York-needs-organ-donors/>

³ Organ Donation Statistics in the United States, www.donatelifeny.org/about-donation/data, April 4, 2011

⁴ Donate Life Line, Issue Spring 2010, Volume 22, Donate Life Northwest

Rates of Those Who Sign Up for Organ Donation vs. Amount of IDs Issued per State⁵

State	Actionable Donor Designations in 2009	DLs & IDs Issued by State DMV	Designation Rate
Colorado	542,670	842,038	64.4%
Iowa	561,234	894,021	62.8%
Montana	109,558	175,532	62.4%
Washington	923,506	1,627,659	56.7%
Wyoming	78,815	142,169	55.4%
Ohio	878,951	1,610,406	54.6%
North Carolina	1,115,197	2,230,344	51.6%
Utah	332,238	648,185	51.3%
Louisiana	643,106	1,256,349	51.2%
South Carolina	306,693	622,183	49.3%
Pennsylvania	1,208,806	2,681,666	45.1%
Maryland	785,910	1,776,104	44.2%
Nebraska	208,921	484,110	43.2%
Hawaii	64,139	154,801	41.4%
Oregon	157,315	420,428	37.4%
Connecticut	321,030	878,108	36.6%
Missouri	608,037	1,676,425	36.3%
Illinois	788,888	2,215,522	35.6%
District of Columbia	34,545	101,816	33.9%
Virginia	147,980	446,605	33.1%
Tennessee	550,568	1,819,682	30.3%
Kentucky	262,799	1,013,234	25.9%
California	2,142,068	8,392,139	25.5%
Arizona	264,401	1,536,300	17.2%
Michigan	254,269	1,995,704	12.7%
New York	427,562	3,835,971	11.1%

⁵ National Donor Designation Report Card, Donate Life America, April 2010, page 4.

Conclusion

It is clear based on the numbers cited earlier in this paper, that while the numbers of those waiting for organ donation are disturbing, New York lags behind in the push to register New Yorkers to the donor registry. While one cannot point to a direct correlation between the mandating of New Yorkers to check “yes” or “no” with regards to organ donation and an increase in organ donation, one only has to use personal experience to understand that many forgo the simple question of organ donation on a DMV form as a matter of expediency and not always as a matter of choice. With 18 people dying on average every day from waiting for a donor organ, every step that we can take to ensure that those who want to donate their organs do so, is one step closer to potentially saving a life like Lauren’s. This legislation does not force those who choose not to donate to do anything different, it just forces those who want to , to take a second in their day to say yes.