



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 14, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 381, an Act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the Anatomical Gift Public Awareness and Transplantation Fund.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 381

AN ACT

RELATING TO ANATOMICAL GIFTS INCLUDING BONE MARROW AND ORGAN DONATION BY STATE EMPLOYEES AND GRANTS FROM THE ANATOMICAL GIFT PUBLIC AWARENESS AND TRANSPLANTATION FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 70A.39 BONE MARROW AND ORGAN DONATION INCENTIVE PROGRAM.

1. For the purposes of this section:

a. "Bone marrow" means the soft tissue that fills human bone cavities.

b. "Vascularized organ" means a heart, lung, liver, pancreas, kidney, intestine, or other organ that requires the continuous circulation of blood to remain useful for purposes of transplantation.

2. Beginning July 1, 2003, state employees, excluding employees covered under a collective bargaining agreement which provides otherwise, shall be granted leaves of absence in accordance with the following:

a. A leave of absence of up to five workdays for an employee who requests a leave of absence to serve as a bone marrow donor if the employee provides written verification from the employee's physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor.

b. A leave of absence of up to thirty workdays for an employee who requests a leave of absence to serve as a vascular organ donor if the employee provides written verification from the employee's physician or the hospital involved with the vascular organ donation that the employee will serve as a vascular organ donor.

3. An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

4. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act.

Sec. 2. Section 142C.15, subsection 4, paragraph c, Code 2003, is amended to read as follows:

c. Not more than fifty percent of the moneys in the fund annually may be expended in the form of grants to ~~hospitals which perform heart, lung, liver, pancreas, or kidney transplants. -- As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for all deaths occurring in the hospital at a percentage rate which places the hospital in the upper fifty percent of all protocol compliance rates for hospitals submitting documentation for cost reimbursement under this section. --~~ transplant recipients, transplant candidates, living organ donors, or to legal representatives on behalf of transplant recipients, transplant candidates, or living organ donors. Transplant recipients, transplant candidates, living organ donors, or the legal representatives of transplant recipients, transplant candidates, or living organ donors shall submit grant applications with supporting documentation provided by a hospital shall submit an application on behalf of a patient requiring that performs transplants, verifying that the person by or for whom the application is submitted requires a transplant in or is a living organ donor and specifying the amount of the costs associated with the following, if funds are not available from any other third-party payor:

- (1) The costs of the organ transplantation procedure.
- (2) The costs of post-transplantation drug or other therapy.

(3) Other transplantation costs including but not limited to food, lodging, and transportation.



CHRISTOPHER C. RANTS
Speaker of the House



MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 381, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 14, 2003



THOMAS J. VILSACK
Governor