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SENATE FILE 123
BY BOETTGER and FRAISE

(COMPANION TO LSB 1829HH
BY SMITH)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to anatomical gifts including bone marrow and
2 organ donation by state employees and grants from the
3 anatomical gift public awareness and transplantation fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 123 HUMAN RESOURCES

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

3 1. For the purposes of this section:

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

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

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

14 a. A leave of absence of five workdays for an employee who
15 requests a leave of absence to serve as a bone marrow donor if
16 the employee provides written verification that the employee
17 will serve as a bone marrow donor.

18 b. A leave of absence of thirty workdays for an employee
19 who requests a leave of absence to serve as a vascular organ
20 donor if the employee provides written verification that the
21 employee will serve as a vascular organ donor.

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

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

33 Sec. 2. Section 142C.15, subsection 4, paragraph c, Code
34 2003, is amended to read as follows:

35 c. Not more than fifty percent of the moneys in the fund

1 annually may be expended in the form of grants to hospitals
2 which perform heart, lung, liver, pancreas, or kidney
3 transplants. -- As a condition of receiving a grant, a hospital
4 shall demonstrate, through documentation, that the hospital,
5 during the previous calendar year, properly complied with in-
6 hospital anatomical gift request protocols for all deaths
7 occurring in the hospital at a percentage rate which places
8 the hospital in the upper fifty percent of all protocol
9 compliance rates for hospitals submitting documentation for
10 cost reimbursement under this section. -- The transplant
11 recipients, transplant candidates, living organ donors, or to
12 legal representatives on behalf of transplant recipients,
13 transplant candidates, or living organ donors. Transplant
14 recipients, transplant candidates, living organ donors, or the
15 legal representatives of transplant recipients, transplant
16 candidates, or living organ donors shall submit grant
17 applications with supporting documentation provided by a
18 hospital shall submit an application on behalf of a patient
19 requiring that performs transplants, verifying that the person
20 by or for whom the application is submitted requires a
21 transplant in or is a living organ donor and specifying the
22 amount of the costs associated with the following, if funds
23 are not available from any other third-party payor:
24 (1) The costs of the organ transplantation procedure.
25 (2) The costs of post-transplantation drug or other
26 therapy.
27 (3) Other transplantation costs including but not limited
28 to food, lodging, and transportation.

29 EXPLANATION

30 This bill establishes a bone marrow and vascular organ
31 donation incentive program for state employees. The bill
32 provides that beginning July 1, 2003, state employees,
33 excluding employees covered under a collective bargaining
34 agreement which provides otherwise, are to be granted leaves
35 of absence of five workdays for an employee who requests a

1 leave of absence to serve as a bone marrow donor if the
2 employee provides written verification that the employee will
3 serve as a bone marrow donor and a leave of absence of 30
4 workdays for an employee who requests a leave of absence to
5 serve as a vascular organ donor if the employee provides
6 written verification that the employee will serve as a
7 vascular organ donor.

8 An employee granted a leave of absence under the bill is to
9 receive the leave without loss of seniority, pay, vacation
10 time, personal days, sick leave, insurance and health coverage
11 benefits, or earned overtime accumulation. The employee is
12 also to be compensated at the employee's regular rate of pay
13 for those regular work hours during which the employee is
14 absent from work. Under the bill, an employee on leave is not
15 deemed an employee of the state for purposes of workers'
16 compensation or for purposes of the tort claims Act.

17 The bill also changes the allowable expenditures from the
18 anatomical gift public awareness and transplantation fund to
19 provide that instead of expending not more than 50 percent of
20 the moneys in the fund annually in the form of grants to
21 hospitals which perform heart, lung, liver, pancreas, or
22 kidney transplants, this amount would be awarded to transplant
23 recipients, transplant candidates, living organ donors, or the
24 legal representatives of transplant recipients, transplant
25 candidates, and living organ donors. The bill requires that
26 the transplant recipient, transplant candidate, living organ
27 donor, or legal representative submit a grant application with
28 supporting documentation provided by a hospital that performs
29 transplants, verifying that the person who or for whom the
30 application is submitted requires a transplant or is a living
31 organ donor and specifying the amount of the costs associated
32 with the transplantation.

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