

Withdrawn 4/8/03
HF 381 substituted

FILED FEB 27 '03

SENATE FILE 222
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 123)

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 222

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

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

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

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

1 tort claims Act.

2 Sec. 2. Section 142C.15, subsection 4, paragraph c, Code
3 2003, is amended to read as follows:

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

28 (1) The costs of the organ transplantation procedure.

29 (2) The costs of post-transplantation drug or other
30 therapy.

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

33 EXPLANATION

34 This bill establishes a bone marrow and vascular organ
35 donation incentive program for state employees. The bill

1 provides that beginning July 1, 2003, state employees,
2 excluding employees covered under a collective bargaining
3 agreement which provides otherwise, are to be granted leaves
4 of absence of up to five workdays for an employee who requests
5 a leave of absence to serve as a bone marrow donor if the
6 employee provides written physician or hospital verification
7 that the employee will serve as a bone marrow donor and a
8 leave of absence of up to 30 workdays for an employee who
9 requests a leave of absence to serve as a vascular organ donor
10 if the employee provides written physician or hospital
11 verification that the employee will serve as a vascular organ
12 donor.

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

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

1 organ donor and specifying the amount of the costs associated
2 with the transplantation.

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Description

Senate File 222 establishes a bone marrow and vascular organ donation incentive program for State employees. State employees are to be granted leaves of absence of up to 5 working days to serve as a bone marrow donor, and up to 30 working days to serve as a vascular organ donor, upon written verification that the employee will serve as a donor.

An employee granted a leave of absence under SF 222 is to receive the leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee is to be compensated at the employee's regular rate of pay for those regular work hours during which the employee is excused from work under the Bill.

Assumptions

1. Only non-contract employees will be eligible.
2. Estimated costs are for employees included in the Centralized Payroll System only. Regents, Community-Based Corrections, and the Fair Board employees are not included in the estimated costs.
3. There are approximately 4,800 non-contract employees on the Centralized Payroll System.
4. Eligible employees participating in the Bone Marrow Program will use 40 hours of leave each year.
5. Eligible employees participating in the Vascular Organ Program will use 240 hours of leave each year.
6. The average hourly wage for eligible State employees is \$29.
7. Approximately 33 Iowans make bone marrow donations each year.
8. Approximately 50 Iowans make vascular organ donations each year.
9. The number of eligible State employees who will participate in the Program cannot be determined.
10. The proportion of General Fund is assumed to be 60.0% and the federal portion is assumed to be 40.0%.
11. The fiscal impact of complications arising from the procedures cannot be determined.

Fiscal Impact

The total estimated fiscal impact of SF 222 cannot be determined since the number of employees who would participate is unknown.

However, for each participating employee who uses the maximum time-off for the donation of bone marrow, the fiscal impact would be approximately \$1,200. Of that cost per participating employee, the State General Fund share would be approximately \$720.

For each participating employee who uses the maximum time-off for a vascular organ donation, the fiscal impact would be approximately \$7,000. Of that cost per participating employee, the State General Fund share would be approximately \$4,200.

Sources

Iowa Department of Personnel
Iowa Marrow Donor Program
Iowa Organ Donor Network

/s/ Dennis C Prouty

March 18, 2003