

February 16, 2006

The Honorable Larry Craig
Chairman
Senate Committee on Veterans' Affairs
United States Senate
412 Russell Senate Office Building
Washington, DC 20510-6375

The Honorable Steve Buyer
Chairman
House Committee on Veterans' Affairs
House of Representatives
335 Cannon House Office Building
Washington, DC 20515-6335

The Honorable Henry Brown
Chairman
House Subcommittee on Health
House Committee on Veterans' Affairs
House of Representatives
338 Cannon House Office Building
Washington, DC 20515-6335

Dear Chairman Craig, Chairman Buyer, and Chairman Brown:

As members of the Transplant Roundtable, we are writing you about an opportunity for veterans and their families to help those Americans desperately needing organ transplants. We urge you to support, as part of the veterans health measure to be enacted by Congress this year, legislative language that would increase the potential for organ, tissue, and eye donations to be made in the Veterans Health Administration (VHA) system.

As you are aware, hospitals in the VHA currently are exempt from a Federal requirement of civilian hospitals to refer deceased patients and patients near death to organ procurement organizations (OPOs) so that they can determine whether or not these individuals might be eligible to become organ donors, and sometimes tissue and eye donors as well. Although some VHA hospitals voluntarily have established informal processes with OPOs for referring potential donors and determining donor eligibility, there is neither consistency in how individuals are referred nor certainty that potentially eligible donors will be referred to OPOs at all. Some VHA hospitals, moreover, have no referral procedures in place, erroneously believing that the absence of explicit Federal authority for them to make donor referrals prohibits them from the practice. Consequently, organ donation from veterans in VHA hospitals is limited; indeed, some veterans' families are never offered the opportunity to "give the gift of life" of their loved ones' organs, or their tissues and eyes.

In an attempt to address these problems, the Department of Veterans Affairs last year submitted proposed legislative language to Congress. The legislation would give VHA hospitals the

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authority to disclose the names and addresses of deceased veterans or veterans near death solely for the purpose of making eligibility determinations for organ, tissue, or eye donations. Only OPOs or other entities deemed by the Department to be similar to OPOs (such as tissue and eye banks) could receive the information, and its disclosure would need to comply with the patient privacy requirements of the Health Insurance Portability and Accountability Act of 1996. As the House and Senate proceed this year with reconciling their respective veterans health differences in a conference agreement, we urge you to support the inclusion of some version of the Department of Veterans Affairs' donation language in the final conference report. Enactment of the language by Congress would facilitate much needed consistency and certainty in the VHA's referral of potential donors by allowing the VHA to put in place a single set of requirements and a standard process for all VHA hospitals to use with OPOs and tissue and eye banks. This would increase the opportunity for veterans and their families to make donations, and thus potentially prevent unnecessary deaths. Because OPOs support and provide organs to the VHA transplant programs, veterans waiting for transplants would be among those saved.

With over 90,000 Americans on the waiting list for organ transplants, and 6,000 dying every year while waiting, it is crucial to ensure that no donation opportunities are lost. Your leadership to include this important language in the veterans health conference report would be a significant step towards saving these lives. We urge you to take it.

Thank you for your consideration of this vital issue. If you have any questions, please contact Carol O'Neill at 703-556-4242.

Sincerely,

American Association of Kidney Patients
American Association for the Study of Liver Diseases
American Association of Tissue Banks
American Liver Foundation
American Society of Transplantation
Association of Organ Procurement Organizations
Eye Bank Association of America
National Kidney Foundation
United Network for Organ Sharing