

# The Living Donor Protection Act of 2023 (HR 2923 / S 1384)

## Saving and improving lives with transplantation.

ASTS advances the art & science of transplant surgery through patient care, research, education, & advocacy.



### THE CHALLENGE

- » **No living donor should be discriminated against** in efforts to obtain, or maintain, disability, long-term or life insurance based solely on their decision to donate an organ & their decision to donate should not impact their job security.

### THE SOLUTION

- » **ASTS urges Congress to pass the Living Donor Protection Act of 2023 (LDPA)** to remove barriers to living organ donation by prohibiting discrimination in insurance & provide protection for living donors under the Family and Medical Leave Act (FMLA). [BILL TEXT](#)
- » Leading patient and physician groups stand together on LDPA: [JOINT PRINCIPLES](#)

### PROTECTING DONORS IN INSURANCE, EMPLOYMENT

- 1 Prohibits life, disability, and long-term care insurance plans from denying or limiting coverage & from charging higher premiums for living organ donors.
- 2 Amends the Family & Medical Leave Act of 1993 to specifically include living organ donation as a serious health condition for private and government employees.
- 3 Directs the US Department of Health and Human Services (HHS) to update their materials on live organ donation to reflect these new protections & encourage more individuals to consider donating.

### LEAD SPONSORS

#### SENATORS

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In 2022, there were **6,466 living donors** compared to **14,905 deceased donors**. Out of the **68,167 active waitlist registrations**, **46,796** candidates failed to receive an organ donation<sup>1</sup>.

## **SUMMARY OF POLICY PRINCIPLES AND SOLUTIONS: LIVING ORGAN DONATION**

As the leading national organizations representing patients, organ donors, transplant surgeons, and other transplant health professionals, the ASTS, the American Association of Kidney Patients (AAKP), and the American Society of Transplantation (AST) published a set of guiding principles regarding living organ donation in April 2023.

ASTS, AAKP, and AST share the broad-based societal goal of increasing the organ donor pool and organ transplantation, but caution policymakers that proposed changes to living donation involve a complex set of legal, ethical, and clinical concerns that are well-documented in medical literature and federal agency and Congressional proceedings and that would put advances in the field at risk.

### **SAFEGUARD PATIENT HEALTH AND SAFETY; PREVENT FINANCIAL COERCION**

ASTS, AAKP, and AST strongly support the elimination of disincentives to transplantation and adamantly oppose coercive financial incentives to donate.

*We strongly support legislation to protect patients from insurance discrimination or fear of losing their employment. We advocate for programs that offer public or private financial support as a means of removing financial disincentives for those wishing to donate an organ.*

### **OVERREGULATION OF LIVING DONATION PRESENTS SERIOUS DANGERS**

ASTS, AAKP, and AST believe that improvements to the transplant system can best be made through ethically and legally sound, evidence-based, data driven policies informed and guided by patients and transplant professionals rather than by overhauling the entire transplant system.

*We oppose policy efforts that seek to place any governmental entity in the position of determining clinical criteria for living donor transplantation or otherwise interfering with the relationship between and among potential recipients, potential donors, and their caregivers.*

**ASTS, AAKP, and AST believe that the best ways to greatly increase access to living donor transplantation are to remove disincentives to transplant, partner with CMII to foster innovation in transplant, increase commitment to transplant research, and improve Medicare transparency and access to transplantation.**

1. Organ Donation and Transplantation (2022) Health Resources & Services Department. <https://data.hrsa.gov/topics/health-systems/organ-donation>

<sup>\*</sup>Inactive and active transplant registrations combined equal 113,967 in 2022 according to HRSA (see reference above).

The American Society of Transplant Surgeons represents approximately 2,000 professionals dedicated to excellence in transplantation surgery. ASTS advances the art and science of transplant surgery through patient care, research, education, and advocacy. To learn more, visit **[asts.org](https://asts.org)** or email Emily Besser, MA, CAE, Associate Director of Advocacy at **[emily.besser@asts.org](mailto:emily.besser@asts.org)**.