

BILL ANALYSIS

C.S.H.B. 2904
By: Zerwas
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that there are thousands of Texans waiting to receive a lifesaving organ transplant. The parties further argue that, although recent legislation streamlined the process to make it easier for Texans to become registered donors, and the registry has grown since its inception, the growth has not been enough to significantly impact donation rates in Texas.

Many organ registries across the country are now being run by federally certified organ procurement organizations, rather than by state governments. Interested parties observe that many states that have contracted with these organizations have experienced significant growth in their registries. By adopting a similar system, the number of registered donors in Texas could increase as well.

C.S.H.B. 2904 seeks to bring attention to the growing need for organ and tissue donors in Texas and attempts to make the Glenda Dawson Donate Life-Texas Registry a more effective tool in registering citizens of Texas to become organ, tissue, and eye donors, while also reducing the cost to state government of operating the registry.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2904 amends the Health and Safety Code to abolish the Texas Organ, Tissue, and Eye Donor Council on January 1, 2012, and the Glenda Dawson Donate Life-Texas Registry as it existed immediately before January 1, 2012, and to require the Department of State Health Services (DSHS), not later than that date, to contract with a nonprofit organization to administer the Glenda Dawson Donate Life-Texas Registry. The bill transfers, on January 1, 2012, all property in the custody of the council, the unexpended and unobligated balance of any money appropriated by the legislature for the council, and all money, contracts, leases, rights, and obligations of the council to DSHS. The bill transfers, on January 1, 2012, all property in the custody of any organization selected by the commissioner of state health services to establish and maintain a statewide Internet-based registry of organ, tissue, and eye donors in relation to the operation of the Glenda Dawson Donate Life-Texas Registry to DSHS and requires DSHS to transfer all information formerly maintained by the Glenda Dawson Donate Life-Texas Registry, as it existed immediately before January 1, 2012, to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under the bill's provisions for use in the Glenda Dawson Donate Life-Texas Registry. The bill authorizes the unexpended and unobligated balance of any money attributable to voluntary fees collected from the issuance or renewal of a license or personal identification card, or the registration or renewal of registration of a motor vehicle for the Glenda Dawson Donate Life-Texas Registry as it existed immediately before January 1, 2012, to be used by DSHS for contracts relating to the Glenda Dawson Donate Life-Texas Registry under the bill's provisions. The bill repeals provisions of law relating to the

Texas Organ, Tissue, and Eye Donor Council and the Donor Education, Awareness, and Registry Program of Texas.

C.S.H.B. 2904 requires the nonprofit organization with which DSHS contracts to administer the statewide donor registry to include representatives from each organ procurement organization in Texas and requires DSHS to require the organization to establish and maintain a statewide Internet-based registry of organ, tissue, and eye donors. The bill removes the condition that a person who indicates on the person's driver's license application that the person would like to make an anatomical gift to consent in writing to the release of certain personal information by the Department of Public Safety (DPS) for DPS to electronically transfer that information to the nonprofit organization for the inclusion in the Internet-based registry. The bill requires the money collected from certain fees relating to the issuance or renewal of a license or personal identification card, or the registration or renewal of registration of a motor vehicle required to be remitted to the comptroller of public accounts and appropriated to DSHS, to be disbursed to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under the terms of the contract between DSHS and the organization. The bill includes providing education related to the registry among the costs that may be paid by the registry and removes a provision of law authorizing DSHS to use only additional money over the amount necessary to pay the costs incurred by maintaining, operating, and updating the abolished registry and designing and distributing educational materials for prospective donors for that registry for education purposes or for the award of a competitive grant to an organization conducting related education activities. The bill specifies that the authorized purposes for which money appropriated to be spent for the Glenda Dawson Donate Life-Texas Registry as it existed immediately before January 1, 2012, also apply to the money disbursed by DSHS to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry established under the bill's provisions. The bill requires the annual written report submitted to DSHS from the nonprofit organization selected to administer the registry to include, among other requirements, an accounting of the use of the money disbursed to the nonprofit organization for the administration of the registry from money remitted to the comptroller from the collection of certain licensing and registration fees. The bill authorizes DSHS, to the extent funds are available and as part of the donor registry program, to allocate funds to the nonprofit organization administering the registry pursuant to the contract to educate residents about anatomical gifts.

C.S.H.B. 2904 authorizes DSHS to require the nonprofit organization administering the registry to implement or encourage certain training and educational programs relating to the registry and anatomical gifts or organ donation and removes language relating to DSHS responsibility for the implementation and development of such programs. The bill prohibits the nonprofit organization administering the registry from charging any fee for costs related to the operation and maintenance of the registry, except as agreed in the contract with DSHS, or using the registry to solicit voluntary donations of money from a registrant. The bill authorizes the nonprofit organization otherwise to accept voluntary donations of money and perform fund-raising on behalf of the registry for the purpose of supporting registering donors. The bill removes provisions of law relating to the definition of "registry program," a requirement that DSHS affiliate with certain national or state entities to promote the program, and a requirement that DSHS enter into an agreement with an organization selected by the commissioner of state health services under a competitive proposal process for the establishment and maintenance of the registry. The bill makes provisions of the bill relating to the statewide donor registry and the powers and duties of DSHS and the nonprofit organization administering the registry effective January 1, 2012.

C.S.H.B. 2904 amends the Transportation Code, in provisions of law relating to the collection of certain fees for the registration or renewal of registration of a motor vehicle or the issuance or renewal of a driver's license or personal identification card, the addition of a link to the Glenda Dawson Donate Life-Texas Registry on the Internet website of the Texas Department of Motor Vehicles, the provision of donor registry information to certain persons, and requirements relating to the execution and revocation of a statement of gift, to make changes conforming to

the abolishment of the Texas Organ, Tissue, and Eye Donor Council and the Glenda Dawson Donate Life-Texas Registry as it existed before immediately January 1, 2012, and the creation of the Glenda Dawson Donate Life-Texas Registry under the bill's provisions. The bill removes the requirement that DPS provide an opportunity for each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate to consent in writing to the department's provision of certain specified information needed for identification purposes at the time of donation to the nonprofit organization for inclusion in the statewide Internet registry of donors and for release to procurement organizations and instead requires DPS to provide such a person an opportunity to consent to the inclusion in the registry and for release to procurement organizations. The bill makes these changes effective January 1, 2012.

C.S.H.B. 2904 makes conforming and nonsubstantive changes.

C.S.H.B. 2904 repeals Chapter 113, Health and Safety Code, and Section 49.002(m), Health and Safety Code, as amended by Chapter 831 (S.B. 1803), Acts of the 81st Legislature, Regular Session, 2009.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2904 differs from the original by abolishing the Glenda Dawson Donate Life-Texas Registry as it existed immediately before January 1, 2012, and requiring the Department of State Health Services (DSHS) to contract with a nonprofit organization to maintain the donor registry under the same name, whereas the original abolishes the Glenda Dawson Donate Life-Texas Registry and requires DSHS to contract with a nonprofit organization to maintain a donor registry to be known as the Donate Life-Texas Registry. The substitute differs from the original by making conforming changes to retain references to the Glenda Dawson Donate Life-Texas Registry, whereas the original changes such references to the Donate Texas-Life Registry. The substitute contains provisions not included in the original clarifying that certain provisions are applicable to the Glenda Dawson Donate Texas-Life Registry as it existed immediately before January 1, 2012, rather than the registry maintained under the original's provisions.

C.S.H.B. 2904 contains a provision not included in the original removing the condition that a person who indicates on the person's driver's license application that the person would like to make an anatomical gift to consent in writing to the release of certain personal information by the Department of Public Safety (DPS) for DPS to electronically transfer that information to the nonprofit organization for the inclusion in the Internet-based registry.

C.S.H.B. 2904 differs from the original by requiring, rather than authorizing as in the original, that money collected from certain fees relating to the issuance or renewal of a license or personal identification card, or the registration or renewal of registration of a motor vehicle, required to be remitted to the comptroller of public accounts and appropriated to DSHS be disbursed to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry.

C.S.H.B. 2904 contains a provision not included in the original removing the requirement that DPS provide an opportunity for each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate to consent in writing to the department's provision of certain specified information needed for identification purposes at the time of donation to the nonprofit organization for inclusion in the statewide Internet registry of donors and for release to procurement organizations.

C.S.H.B. 2904 differs from the original by authorizing the unexpended and unobligated balance of any money attributable to voluntary fees collected from the issuance or renewal of a license or

personal identification card or the registration or renewal of registration of a motor vehicle for the registry as it existed immediately before January 1, 2012, to be used by DSHS for contracts relating to the Glenda Dawson Donate Life-Texas Registry under the substitute's provisions, whereas the original authorizes the unexpended and unobligated balance of any money appropriated by the legislature for the registry as it existed immediately before January 1, 2012, to be used by DSHS for the Donate Life-Texas Registry established under the original's provisions.