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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/7/07

SPONSOR Barela LAST UPDATED 2/22/07 HB 590/aHAFC

SHORT TITLE Bone Marrow & Organ Donor Act SB \_\_\_\_\_

ANALYST Geisler

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Minimal, see narrative	Minimal, see narrative	Minimal, see narrative	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)  
 Health Policy Commission (HPC)  
 State Personnel Office (SPO)

### SUMMARY

#### Synopsis of HAFC Amendments

The House Appropriations and Finance Committee amendments to HB 590 clarify that the Department of Health shall establish a system to distribute information and educational material regarding organ donations and bone marrow donation and ensure that the materials are updated periodically, fully disclose the risks of donating an organ or bone marrow, and address the education and recruitment of minority populations.

#### Synopsis of Original Bill

House Bill 590 specifies that the Department of Health shall provide current information and educational materials to the public regarding bone marrow donation that specifically address the education and recruitment of minority populations. HB 590 proposes new rules regarding leave for state employees who donate an organ or bone marrow. The bill provides that state agency heads (Cabinet Secretaries and Directors) may grant a paid leave of absence, not to exceed twenty days, to state agency employees for the purpose of donating an organ or bone marrow. This bill also allows employees to request and use donations of annual or sick leave for the purpose of donating an organ or bone marrow.

## **FISCAL IMPLICATIONS**

The State Personnel Office provides that at an average salary of \$18.23 per hour and adding 25.54 percent for employer sponsored benefits, it would cost an agency an estimated \$3,662 for 20 days of paid leave per instance for each employee who chose to participate in this program.

## **SIGNIFICANT ISSUES**

HB 590 seeks to encourage bone marrow and organ donation. DOH notes that Leukemia, lymphoma, multiple myeloma, and aplastic anemia are treated with blood or marrow transplants (BMT). Clinical trials of BMT are currently showing promise in studies on a number of diseases including some solid tumors and sickle cell disease. As clinical trials produce successful treatments, the number of people who may be eligible for treatment through BMT could increase. From 1988 to 2005 there was more than a 250-fold increase in the number of transplants conducted. ([www.marlow.org](http://www.marlow.org)) Like blood, bone marrow is a replaceable organ and the human body regenerates bone marrow in approximately four weeks.

Nationally, marrow or cord blood transplants could benefit more than 35,000 children and adults with life-threatening diseases each year. “Only 30% of patients in need of a marrow or cord blood transplant find a matched donor in their family.” The remaining 70% must search for unrelated donors. (National Marrow Donor Program, “Facts and Figures”, [www.marlow.org](http://www.marlow.org))

In the U.S. each year, thousands of African Americans, American Indian/Alaska Natives, Asian/Pacific Islanders and Hispanics are diagnosed with leukemia or other life-threatening blood diseases. Bone marrow transplants require matching certain tissue traits of the donor and patient. Because these traits are inherited, a patient's most likely match is another family member or someone of the same racial or ethnic group as the patient. If the patient has siblings, there is only a 25% chance of matching the patient's tissue type with a sibling; however, 70% cannot find a match within their own families. In NM, finding a suitable match is problematic for Hispanic, African-American, and Native American patients. Annually in New Mexico, approximately 50 people receive BMT, of which 12 are under age 20. If there is not a family match, donor registries must be searched for possible volunteer matches.

Currently in NM, the education and outreach for bone marrow donors is sporadic community outreach. The National Marrow Donation Program (NMDP) ([www.marlow.org](http://www.marlow.org)) does educational outreach through blood drives, health fairs, family donor drives, media, newspapers, telethons. The University of New Mexico Oncology Unit has also done donor recruitment at some health fairs. This proposed initiative would support more consistent and statewide outreach.

The NMDP is the hub of a worldwide network of more than 500 leading medical facilities in marrow and blood cell transplantation. It provides educational materials in at least five languages. The NMDP recruits individuals to join the registry focusing on increasing the diversity of tissue types and recruiting people, and supporting donors through every step of the donation process.

## CONFLICT

Under the State Personnel Office current policy state employees must exhaust their (personal) annual and sick leave balances before donated annual or sick leave balances can be applied. HB 590, as proposed, appears to be in conflict with current policy. SPO notes that:

- Annual leave can be used at the employee’s discretion subject to prior agency approval. Sick leave may be used for the personal medical treatment of the employee or a relative in the third degree. The agency has the discretion to approve a request for LWOP.
- An agency may grant up to five consecutive work days of leave with pay when it is in the best interest of the agency to do so. It would be questionable if an employee could show that donating an organ or bone marrow to a person who is not employed in the agency would be in the best interest of the agency. In the chance that this could be determined, and/or that the recipient is employed by the agency, current State Personnel Board rules allow an agency head to grant up to five consecutive work days paid administrative leave.
- Under State Personnel Board rule 1.7.7.9 – Donation of Annual and/or Sick Leave, an employee may only donate leave to another employee in the same agency for a medical emergency with approval of the head of the agency. It would not be considered an emergency for the “employee” of an agency to “request” and therefore use, donated leave. Furthermore, even if this did fit the criteria for the donation of sick leave, an employee may only donate sick leave at half of their hourly rate contingent they have over 600 hours accumulated. They may only grant the difference over 600 hours either in the first full pay period following July 1 or the first full pay period following January 1.

GG/mt