

**A MEMORIAL**

**REQUESTING THAT THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES RESCIND ITS RULE ON THE ALLOCATION AND DISTRIBUTION OF ORGANS FOR ORGAN TRANSPLANTATION.**

**WHEREAS, approximately thirty New Mexicans die each year awaiting organs for transplant because of the shortage of organs for organ transplantation; and**

**WHEREAS, there are approximately three hundred New Mexicans on the waiting list for transplants at the present time; and**

**WHEREAS, the present system for the allocation and distribution of organs for transplantation that is used throughout the country has been designed by the consensus of transplant professionals, transplant recipients and donor families to serve the interests of the vast majority of patients awaiting transplants, and that system recognizes the appropriateness of considering the geographic location of gift-of-life recipients and donors; and**

**WHEREAS, the United States department of health and human services adopted a rule to change that system and require organs to be offered nationally rather than locally or regionally; and**

**WHEREAS, congress included a provision in the fiscal year 1999 appropriation bill to delay implementation of the rule at least until October 1999; and**

WHEREAS, the department of health and human services' s rule will alter the current distribution system to the apparent benefit of a small number of transplant centers; and

WHEREAS, although New Mexico has organ transplant centers with the expertise to perform organ transplantation in the state, those centers would not benefit from the proposed change; and

WHEREAS, the rule will adversely affect the health and well-being of New Mexico citizens by denying them lifesaving transplants or forcing them to travel and reside far from home, at extraordinary expense, and by denying them the care that can be provided by transplant centers in New Mexico; and

WHEREAS, other states have reacted to the rule by filing lawsuits to block implementation of the rule or by enacting laws that require in-state donation first;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the United States secretary of health and human services be urged to rescind the rule and let the current system remain in place while the state seek less damaging solutions to the problem of too-scarce organ donations; and

BE IT FURTHER RESOLVED that the secretary be encouraged to redouble the department' s efforts to improve the number of organ donations nationwide through aggressive education

campaigns and other means; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the Honorable Donna E. Shalala, secretary of health and human services; the New Mexico procurement organization; the New Mexico department of health; the New Mexico hospital association; and the New Mexico medical society.

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