



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

July 2, 2008
DPACS: 08-05

Dear Chief Executive Officer:

I am writing to inform you of a change to the New York State Organ, Tissue and Eye Registry that has implications for your facility's organ, eye and tissue donation policy.

Pursuant to Chapter 639 of the laws of 2006, Article 43 of the New York State Public Health Law was amended to establish the New York State Donate Life Consent Registry, a registry of legal consent to organ, tissue and eye donation (see attached). The New York State Department of Health has completed the programming of the new Registry and we anticipate a July 23, 2008 implementation date. All New Yorkers who enroll in the Donate Life Registry after that date through registration online at www.nyhealth.gov, at the New York State Department of Motor Vehicles, or through paper enrollment forms available from New York's procurement organizations and who sign to give their consent to donation will be enrolled in the new Registry. Those in the existing Registry will be invited to join the new Donate Life Registry, but will not be automatically switched. New York joins 43 other states in implementing a donor registry of consent.

We believe the implementation of this new law will greatly facilitate organ, eye and tissue donation in New York. As you may know, nearly 100,000 people are awaiting a life saving transplant nationally. Here in New York, over 9,100 people are on a waiting list for an organ donation. Thousands more are awaiting life enhancing tissue and cornea transplants.

Individuals who enroll in this Registry are giving their legal consent to organ, tissue and eye donation upon their death. While their families will be informed of their decision and given information regarding the donation process, family permission is not required to proceed with donation.

It is imperative that you work with your contracted organ procurement organization, tissue bank and eye bank to discuss any changes that may be required to your organ, eye, and tissue donation policies and procedures and memorandum of agreement.

Please also share this communication with other staff of your facility with purview over organ, eye, and tissue donation. If you have any questions, please call Kim Valente at 518-402-1038 or by email at kav02@health.state.ny.us.

Sincerely,

Martin Conroy, Director
Division of Acute and Primary
Care Services

§ 4310. New York State donate life registry for organ and tissue donations.

1. The department shall establish an organ and tissue donor registry, which shall be called and be referred to as the "donate life registry", which shall contain a listing of all donors who have declared their consent to make an anatomical gift.

2. Such registration of consent to make an anatomical gift can be made through (a) indication made on the application or renewal form of a license, (b) indication made on a non-driver identification card application or renewal form, (c) enrolling in the registry website maintained by the department, or (d) through any other method identified by the commissioner. The registration shall take effect upon the department sending written notice of the registration to the person enrolling in the registry.

3. (a) Information contained in the registry shall be accessible to (i) federally regulated organ procurement agencies, (ii) eye and tissue banks licensed by the department pursuant to article forty-three-B of this chapter, (iii) any other entity formally approved by the commissioner (b) The information contained in the registry shall not be released to any person except as expressly authorized by this section solely for the purpose of identifying potential organ and tissue donors at or near the time of death.

4. If the department had an established registry prior to the effective date of this section, it shall be deemed to meet the requirements of this section.

5. The registry shall provide persons enrolled the opportunity to specify which organs and tissues they want to donate and if the donation can be used for transplantation, research, or both.

6. A person registered in the organ and tissue registry before the effective date of this subdivision shall be deemed to have expressed intent to donate, until and unless he or she files an amendment to his or her registration or a new registration expressing consent to donate.

7. The commissioner shall contact each person registered before the effective date of this subdivision in the organ and tissue registry in writing to inform him or her that at the time he or she registered, the registry was that of intent and that the registry is now one of consent, to explain in clear and understandable terms the difference between intent and consent, and to provide opportunity for the person to change his or her registration to provide consent by amending his or her current registration or executing a new registration.

8. The commissioner is authorized to promulgate rules and regulations necessary to implement the provisions of this section.