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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 10, 2014

To: The Honorable Angus L.K. McKelvey, Chair,
The Honorable Derek S.K. Kawakami, Vice Chair, and
Members of the House Committee on Consumer Protection & Commerce

Date: Monday, February 10, 2014

Time: 2:45 p.m.

Place: Conference Room 325, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 2400 Relating to Temporary Disability Benefits

I. OVERVIEW OF PROPOSED LEGISLATION

HB 2400 proposes to amend Sections 392-3 and 392-21, Hawaii Revised Statutes (HRS), by including organ donation as compensable disability and providing temporary disability insurance benefits to organ donors.

II. CURRENT LAW

Section 392-3, HRS, defines "disability" to mean total inability of an employee to perform the duties caused by sickness, pregnancy or termination of pregnancy or accident that are not work-related. Therefore, an eligible employee's total disability due to organ transplantation (as a recipient) is covered under the current law.

Section 392-21, HRS, specifies that any eligible employee who suffers total disability resulting from accident, sickness, pregnancy or termination of pregnancy that is not work-related shall be entitled to receive temporary disability insurance benefits. Since the disability covered has not been "elective" in nature, the donor's total inability to work suffered during organ transplantation (as a donor) is not covered under the current law.

III. COMMENTS ON THE HOUSE BILL

Organ transplants involve three tests that are done to evaluate donors. They are blood type, cross match, and HLA (human leukocyte antigen) or tissue typing testing.

Each transplant program is required to have criteria for the selection of both recipients and donors. To find a match between a willing, living donor to save the life of a compatible intended recipient is something that is medically necessary and sometimes difficult due to Hawaii's geographic isolation. Additionally, donors may not be disabled for an extended period during recovery after surgery.

Therefore, the department supports the provision of TDI benefits to organ donors.



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**H.B. 2400, Relating to Temporary Disabilities Benefits
House Committee on Consumer Protection and Commerce
February 10, 2014**

Thank you for the opportunity to provide testimony in **support** of HB 2400, Relating to Temporary Disability Benefits. My name is Dr. Loraine Fleming, Director of Behavioral Health, Transplant, Liver Center, and Medicine with The Queen's Medical Center.

The Queen's Medical Center continues to successfully re-build Hawaii's Transplant Center, as we proudly provide this critical healthcare service to the community. In the two years since the program was re-started at QMC, we have completed a total of 88 transplants. These have included 13 live kidney donations.

It is always breathtaking to imagine what one must emotionally go through when deciding to give an organ to another. The selflessness is simply inspiring. The act of organ donation can be physically challenging, requiring adequate time for recuperation. For those that are employed, this measure would provide relief and support to recovering donors.

We recognize the employer cost that could result from this measure, albeit we respectfully suggest the number of times this requirement might be utilized by an employee would be relatively few and therefore the financial impact minimal.

Thank you for the opportunity to provide testimony on this measure.

LATE

To: House Committee on Consumer Protection and Commerce

From: Patricia McGhee
3646 Trousseau St
Honolulu, HI 96815
808-722-0854

Hearing: 2:45 pm Monday, February 10, 2014

Subject: Temporary Disability Payment for Organ Donors

Aloha Chair and Committee Members,

I appreciate this opportunity to provide testimony on HB#2400. Please vote YES.

In January 2013 I donated my kidney to a co-worker. I know first hand the burdens an organ donor in Hawaii must bear. The financial burden is difficult and worrisome. I was appalled to learn, after my surgery, that organ donors do not qualify for temporary disability insurance during their recovery time while unable to work. The reason being- organ donation is an elective surgery. While this is indisputable, it is not right to penalize such an altruistic act. People make choices everyday to drink excessively, to smoke, to overeat, to put their health in jeopardy. When these very people, due to the poor health they have created, are unable to work, they collect TDI. Yet an organ donor who is instrumental in restoring to health and returning the recipient back to the work force, receives no assistance.

I urge you to vote YES to allow organ donors to qualify for temporary disability insurance. When finances are the determining factor as to whether a person will donate, knowing that they will receive some financial assistance during their recovery will be reassuring and encouraging.