Alberta Health and Wellness

Memorandum

FROM: Iris Evans
Minister
107 Legislature Building

OUR FILE REFERENCE: 39280

YOUR FILE REFERENCE:

TO: Ronald Liepert
MLA, Calgary West
513 Legislature Building

DATE: March 24, 2006

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SUBJECT: **Organ and Tissue Donation**

I understand that you are prepared to take forward the proposed Human Organ and Tissue Donation Act on my behalf and will not be proceeding with Bill 201.

In response to the concerns you have raised and the work you have done with respect to improving the organ and tissue donation in Alberta, I will commit to doing the following:

1. My department will work with Infrastructure and Government Services to determine ways to raise awareness about organ and tissue donation.

2. My staff will request the provincial governance structure that is being developed to oversee organ and tissue donation to develop and implement professional education programs and raise community awareness regarding organ and tissue donation.

3. My department will assess the effectiveness of the proposed required consideration and documentation and subsequent referral process (for organ and tissue donation).

Thank you in advance for agreeing to take my legislation forward. I will keep you updated with respect to the above commitments.

Iris Evans

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thanks, Mr. Speaker. Proper notice having been given on Thursday, February 23, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

Public Bills and Orders Other than Government Bills and Orders
Second Reading

Bill 201
Human Tissue Gift (Notification Procedure) Amendment Act, 2006

The Speaker: The hon. Member for Calgary-West.

Mr. Liepert: Thank you, Mr. Speaker. It gives me great pleasure today to move second reading of Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006.

As I said on introduction, the bill is designed to increase the number of Albertans who consent to tissue and organ donation, which will help save and improve the lives of others. This bill will improve the co-ordination of organ and tissue donation throughout the province. While some excellent work is taking place currently in various health regions, we can always do better to ensure that the maximum number of organs and tissue is available for potential recipients.

This bill will require the designated health facility to notify the gift agencies when a person dies, when death is imminent, or when a dead body is received, and the gift agency will then use all reasonable efforts as outlined in the legislation to ensure that the appropriate steps are taken.

The human organ procurement and exchange program, which is more commonly known as HOPE, and the Comprehensive Tissue Centre operate in Edmonton and Calgary in co-operation, as I mentioned, with the local health regions. These agencies have trained staff to handle the delicate and emotional discussions that take place with family members at the time of this distress. Hon. members should be comfortable in the fact that no organ or tissue decisions currently, nor is it contemplated in the future, will be made without the consent of the family.

It goes without saying that the ability to receive a new organ or tissue can mean the difference between life or death. Over 400 Albertans are on waiting lists for various organ transplants, and 15 to 20 persons die every year in Alberta waiting for transplants. That is a number that none of us should be satisfied with until it reaches zero.

This bill incorporates a number of the provisions adopted several years ago in Manitoba. The difficulty that that province at the time was encountering is not unlike what is happening in Alberta today. While the number of deaths that were being reported in Winnipeg continued to increase, the same could not be said for outlying regions. Since similar legislation to this bill was introduced in Manitoba, in Brandon, as an example, the number of deaths January to November last year was 143, of which 124 were reported and 28 donors were attained. This compares to only five donors in 2004, three in 2003, and none in 2002.

The second part of the bill will compel the minister of health to table with this Assembly within one year of the legislation taking effect a report which will include recommendations for a more co-ordinated government response to encourage donations. This review would examine how government forms and documents could be improved to include questions regarding a person's willingness to be a donor. As an example, there might be a provision on all drivers' licences or health care cards that are issued where a person is required to make a choice before receiving that new licence or card. The second example might be a simple question posed by a registry agent at the time of issuing a new driver's licence, and if agreed to, the donor card is signed at the time and then carried by that person.

This bill will also ask the minister to investigate the feasibility of establishing an online registry. This could be co-ordinated either with the human tissue gift agencies' websites or an enhanced Alberta Health website.

Statistically it has been proven that when someone has signed a donor card, family consent follows almost 100 per cent of the time. On the other hand, when a person does not make his or her wishes known, the consent rate by family is significantly lower. Therefore, we must simply do a better job of raising the awareness on this issue and not leave it to chance. I don't have the statistics, but I would guess that especially among young Albertans the number of signed donor cards is not very high. We must do whatever is possible to encourage family members to have that discussion and, hopefully, to take the next step of signing a donor card.

Now, our government could also do a much better job of leading that discussion. If one goes to the Alberta Health and Wellness website, there is no direct link to organ and tissue donation. Furthermore, when one types in the word "organ" and does a search under this website, the first thing that pops up is a survey form to fill out. The information that is being asked for will be compiled "for the Honourable Gary Mar" and must be completed by "October 31, 2000." Simply put, we as government must do a better job in this area.

One of the things that is not being asked for in this bill is the cost saving involved. When a person, for example, receives a new kidney, what is the cost saving versus the cost of dialysis? While that wasn't asked for, it would be valuable information to have because one can only assume that it would be significant.

There was a lot of good work done several years ago by the advisory committee on organ and tissue donation, that was chaired by the Member for Calgary-Fish Creek. This report, A Framework for Action, was submitted in April 2000, and there are many good recommendations in this report. I'd strongly advise the minister and her department to re-review this document. My assessment is that little has changed or improved since that report was submitted more than five years ago.

Currently before the Ontario Legislature are two private members' bills seeking that the law in that province be changed to one of presumed consent. Under this model an individual is deemed to have given consent simply by doing nothing. This is a model to which a lot of consideration was given. However, I have not been convinced that Albertans are there yet. This model could face legal challenges. There are moral implications, and in general Albertans are opposed to a so-called negative option.

I want this bill to be successful. In order to do so, I feel that it's important to take several steps outlined in this legislation which could greatly increase the number of donors. It would be my hope that as a result of this legislation our donor rate continues to increase and a presumed consent model would not be required.

I ask all members of the House for support on this legislation and look forward to the comments. Thank you very much.

The Speaker: The hon. Member for Edmonton-Centre.