



*Saving and improving lives with transplantation.*

**American Society of Transplant Surgeons®**

May 3, 2023

Representative Jerold Nadler  
2132 Rayburn HOB  
Washington, DC 20515

Representative Troy Balderson  
2429 Rayburn HOB  
Representative Jim Costa

Representative Jim Costa  
2081 Rayburn HOB  
Washington, DC 20515

Representative Diana DeGette  
2111 Rayburn HOB  
Washington, DC 20515

Representative Greg Murphy  
407 Cannon HOB  
Washington, DC 20515

Senator Kirsten Gillibrand  
478 Russell SOB  
Washington, DC 20510

Representative Don Bacon  
2104 Rayburn HOB  
Washington, DC 20515

Representative Lisa Blunt Rochester  
1724 Longworth HOB  
Washington, DC 20515

Representative John Curtis  
2323 Rayburn HOB  
Washington, DC 20515

Representative Miller-Meeks  
1716 Longworth HOB  
Washington, DC 20515

Senator Tom Cotton  
326 Russell SOB  
Washington, DC 20510

## **RE: LDPA Thank You & Statement of Principles & Solutions on Living Donation**

Dear Representatives Nadler, Bacon, Balderson, Blunt Rochester, Costa, Curtis, DeGette, Miller-Meeks, and Murphy and Senators Gillibrand and Cotton:

On behalf of the American Society of Transplant Surgeons (ASTS), our members, and the patients we serve, we enthusiastically thank you for your leadership in introducing the “Living Donor Protection Act of 2023” – H.R.2923/S. 1384.

For the first time since the bill’s first introduction nearly a decade ago, the legislation represents an important consensus among insurers and transplant providers that reflects a more comprehensive patient and donor-center solution to reducing disincentives to living donation.

Timed with your bill introduction, we published a joint [Statement of Principles and Solutions on Living Donation](#) with our allies, the American Association of Kidney Patients (AAKP) and the American Society of Transplantation (AST). ASTS, AAKP, and AST are the leading, independent, national organizations representing patients, organ donors and donor families, transplant surgeons, and other transplant health professionals.

In this document, we state our 1) unequivocal opposition to coercive financial incentives to donation, 2) caution against overregulation and federalization of transplantation, and 3) highlight the importance of preventing interference with physician-patient decision-making. The statement also presents important and achievable solutions to improve donation/transplantation, noting that passage of the LDPA is the most important first step in that effort.

### **President**

William C. Chapman, MD  
Washington University

### **President-Elect**

Elizabeth A. Pomfret, MD, PhD  
University of Colorado

### **Secretary**

Ginny L. Bumgardner, MD, PhD  
The Ohio State University

### **Treasurer**

James F. Markmann, MD, PhD  
Harvard Medical School

### **DEI Officer**

Henry B. Randall, MD, MBA  
SSM Health Saint Louis University

### **Immediate Past President**

A. Osama Gaber, MD  
Houston Methodist Hospital

### **Past President**

Marwan S. Abouljoud, MD, CPE, MMM  
Henry Ford Transplant Institute

### **Councilors-at-Large**

Kenneth A. Andreoni, MD  
Devin E. Eckhoff, MD  
Irene K. Kim, MD  
Linda C. Cendales, MD  
Ty B. Dunn, MD, MS  
Jayme E. Locke, MD, MPH  
André A. S. Dick, MD  
Majella B. Doyle, MD, MBA  
Sunil K. Geevarghese, MD, MSCI  
Ashley H. Seawright, DNP, ACNP-BC

### **Executive Director**

Maggie Kebler-Bullock, CFRE

### **National Office**

1401 S. Clark St.  
Suite 1120  
Arlington, VA 22202  
703-414-7870  
asts@asts.org  
ASTS.org

### **American Transplant Congress**

June 3–7, 2023  
San Diego, California

The bill will prevent life, disability, and long-term care insurance companies from limiting insurance coverage for people who are living donors. Specifically, the legislation includes very clear language that these insurers are prohibited from making determinations or creating conditions of coverage or payment based solely, and without any specific insurance risk, for a person based solely on their status as a living donor. Notably, we worked closely with insurers to craft this legislation.


The demand for transplantation continues to outpace the organ supply. The national list of individuals waiting for a transplant continues to grow with more than 113,000 patients on it — 22 of whom die each day. The “Living Donor Protection Act of 2023” will help address the disparity by protecting living organ donors from discrimination, maintaining their job security, and educating Americans on certain rights of organ donors.

Kidney disease and kidney failure are a threat to every American, with a disproportionately more harmful impact on minorities and communities of color — who already bear the burden of disparate care, health inequities and lower organ transplant rates. Increased living organ donation will save thousands of lives, and livelihoods, every year. Yet, significant roadblocks remain. Patients, potential organ donors, transplant professionals, social workers, and community advocates cite practical realities and fears about job loss, insurance status including the ability to retain current or obtain future insurance, and family financial security as significant barriers to more living organ donation. ASTS believes no person should be discriminated against for their noble decision to become a living organ donor — meaning no donor should face disparate treatment or hidden penalties for their selfless act through a threat to their job security or career, or their life, health and disability insurance or related future insurability.

Thank you for your leadership in advancing this legislation which would remove barriers to life-saving transplantations by safeguarding the rights of organ donors. We applaud your efforts to address the growing demand for transplantation to save lives and enhance the quality of life for patients with end-stage organ failure. If you have any questions, please contact [Emily.Besser@asts.org](mailto:Emily.Besser@asts.org) or our Legislative Counsel, [Peggy.Tighe@PowersLaw.com](mailto:Peggy.Tighe@PowersLaw.com).

*ASTS serves approximately 2,000 surgeons, physicians, scientists, advanced transplant providers, and other transplant professionals dedicated to excellence in transplantation surgery. ASTS advocates for comprehensive and innovative solutions to meet the needs of our patients.*

Sincerely,

A handwritten signature in black ink that reads "William C. Chapman". The signature is written in a cursive style with a large initial "W".

William C. Chapman, MD, FACS  
President, American Society of Transplant Surgeons