



Mission
to prevent and cure diabetes
and to improve the lives of all
people affected by diabetes.

February 4, 2010

The Honorable, Representative Ryan I Yamane Chair-House Committee on Health
Members of the House Committee on Health
House Conference Room 329
Honolulu, HI 96813

Dear Representative Yamane and Members of the Health Committee,

The American Diabetes Association support's the Legislatures efforts to protect and encourage organ donation and transplants through HB 2661. In some cases, diabetes can lead to damage that makes an organ transplant necessary. Diabetes sometimes damages kidneys so badly that they no longer work. Unfortunately, there are too few kidneys for all the people who need them. Not enough people sign up to be organ donors.

Native Hawaiians and other Pacific Islanders are more than twice as likely to have diabetes as whites of similar age. Diabetes is the single leading cause of kidney failure in the U.S. accounting for about 44% of the people who state treatment for kidney failure each year and about 38% of all Americans being treated for kidney failure. **In Hawaii, Native Hawaiians are more than 5.7 times as likely as Whites living in Hawaii to die from diabetes and its complications such as kidney failure. Filipinos living in Hawaii are more than three times as likely to die from diabetes as Whites.**

- The number of organ transplants performed on Pacific Islanders in 2008 was about one sixth, or 16.7%, of the number of Pacific Islanders currently waiting for a transplant.
- While 0.5% of the total candidates currently waiting for transplants are Pacific Islander, they comprised 0.2% of organ donors in 2008.
- Native Hawaiian/Pacific Islanders are also seven times more likely to be diagnosed with chronic liver disease, as compared to non-Hispanic Whites. These conditions are known to put the patient at risk for organ failures.
- Every 12 minutes another name is added to the national transplant waiting list.
- An average of 18 people die each day from the lack of available organs for transplant.
- Some diseases of the kidney, heart, lung, pancreas, and liver that can lead to organ failure are found more frequently in minority women.
- Minority women may have to wait longer for matched organs and therefore may be sicker at the time of transplant or die waiting.

We ask you support HB 2661 help those people in Hawaii who are waiting for needed transplants. With more donated organs in Hawaii especially from Native Hawaiian and Pacific Islanders finding a match will be quicker and the waiting time will be cut, and **more lives will be saved.**

Sincerely,

Laura Keller
Advocacy Director

Laurie K.S. Tom, M.D., President
Hawaii Community Leadership Board

Advocacy Director

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For Diabetes Information Call 1-800-Diabetes - <http://www.diabetes.org>

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Sincerely,

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Letterhead Created & Printed In-house

February 24, 2010

**Testimony in Favor of HB 2661, HD 1
(Relating to Anatomical Gifts)**

To: Chair: Rep. Jon Riki Karamatsu

Vice-Chair: Rep. Ken Ito

Members: House Committee on Judiciary

From: Charles K.Y. Khim, Esq. – Attorney at Law, Diabetic,
Former Kidney Dialysis Patient, Kidney Transplant
Recipient and Member of American Diabetes Assn.
Legislative committee



My name is Charles K.Y. Khim, Esq. and I am an attorney who is, and has been licensed to practice law in Hawaii for the last thirty years. However, I come before you today not as an attorney but as a Type II diabetic who suffered total kidney failure as a complication of diabetes, and who had a second chance at life due to a kidney transplant. I also come before you as a member of the legislative committee of the American Diabetes Association.

Thank you for this opportunity to present testimony in favor of HB 2661, HD 1. This bill provides for the enforcement of the organ donor gifts procedure set forth in HRS, Chapter 327. It is unfortunate that currently the organ donor provisions in HRS, Chapter 327 are being disregarded, especially as it applies to the good

persons of our State who designate on their driver's license that they are organ donors.

As it stands now, it is meaningless for an individual to designate on his or her driver's license that he or she is an organ donor because that last will and testament to be an organ donor is being totally ignored by the organ transplant procurement organizations.

This failure to follow the law by failing to follow the donor's last will and testament concerning his or her transplantable organs, as most often expressed on his or her driver's license, results in many individuals' last wishes being ignored and many deaths of individuals who die because their internal organs fail due to diseases such as diabetes, while waiting for a transplant of an organ.

The newspaper article attached hereto indicates that in Hawaii about **twenty three people had recently died while waiting for a transplant on August 9, 2009.**

This newspaper article also confirms that organ donor officials violate chapter 327, HRS by disavowing the legally binding authorization stated on the decedent's driver's license, and nevertheless require that the next of kin, sign the organ donor forms before they will retrieve the organs.

This bill remediates that problem of organ transplant procurement organizations failing to follow the law by placing provisions in HRS, Chapter 327 which require organ transplant anatomical gift recipient organizations to actually retrieve the gift, in accord with the law.

This bill contains no penalties for the failure to retrieve donated organs. Rather, this merely bill clarifies that there is such a duty to retrieve the organs which are willed to those who need transplants via a driver's license form, without first having to obtain consent from the next of kin.

Moreover, chapter 327, HRS already has a clause in it which provides immunity from lawsuits for participating the

anatomical gift retrieval process to everyone involved in that process and a clause immunizing everyone involved in the anatomical gift process from criminal prosecution.

Thus, there is no good reason for anyone in the anatomical gift process to oppose this bill. However, there are several bad faith motives, such as financial gain, that can be reasonably inferred from those in the anatomical gift retrieval process to oppose this legislation.

In addition to the existence of financial incentives, the anatomical gift retrieval community may simply be afraid to inform the next of kin that their loved ones were so kind and were such humanitarians that they donated their organs at death to another person so that goodness can result from tragedy.

This bill will save lives inasmuch as currently one out of seven people will become diabetic and one of the most common medical complications which result from diabetes is kidney disease which ultimately results in Kidney failure, and the need of that person to be placed on dialysis. Many such patients who are on dialysis die while waiting for an organ transplant.

Due to the failure of organ donor donation receiver organizations in Hawaii to obey the law concerning organ donations and retrieve all of the organ donations which are made, I had to resort to going to San Francisco, California in order to obtain an organ donation in order to receive a life saving kidney transplant.

Fortunately, I was of the financial wherewithal to be able to afford to stay in a hotel in San Francisco for one month to undergo the kidney transplant operation, the subsequent medical procedures which were necessary because of complications which resulted from the transplant (because of the serious nature of kidney transplant operations, often complications arise from the transplant operation) and the recuperation period which was necessary to recover from this serious operation.

However, I am aware that most persons, through no fault of their own, are unable to financially afford to take off a whole month

from work to go through the organ transplant procedure, and the cost of staying in a hotel in a mainland city. This is why I am volunteering to pursue this bill – for the average person, the “little guy” who has the bad luck to suffer from a debilitating disease which requires an organ transplant.

Thank you for this opportunity to present testimony before this honorable committee. If any committee member has any questions, I will be more than glad to answer them at the appropriate time.

CKYK:rwd

August 9, 2009

3 people saved by jogger's organs

By Katie Urbaszewski
Advertiser Staff Writer

The death of Mililani High School teacher Wendy Danielle Davis brought about four organ donations that saved the lives of three people.

Davis, 40, was hit by a car July 14 as she jogged near her Mililani home and died from head injuries, the city medical examiner's office said.

Organ donor officials met with Davis' parents, who decided to honor their daughter's wishes to donate that she had indicated on her driver's license.

Stephen Kula, executive director of the Organ Donor Center of Hawai'i, said donated organs are always in short supply. About 380 people in Hawai'i are on a list to receive a transplant, and 23 people have died recently while waiting, he said.

"We need to save lives," he said. "Being a donor really helps."

Mililani High notified students of the death of their math teacher on the first day of school, and faculty the previous weekend.

"I think at first they were in a state of shock," Principal John Brummel said. "Then I think they realized they had lost an important member of our staff. We're like a family here."

Math department head Russ Robison described Davis as an "outgoing, opinionated" woman who was never afraid to tell people what she thought.

"She was hard-working, dedicated," he said. "She enjoyed the kids a lot. That's really why she was in it."

Robison said Davis, who taught everything from algebra to precalculus, managed her classroom well, and if a student was falling behind, she would always take the extra time to tutor after school.

"You would never hear her yelling at a kid," he said. "It was never necessary."

Originally from Athens, Ohio, Davis came to Hawai'i 16 years ago. Initially, she taught at Kapa'a High School on Kaua'i. She came to Mililani High in 2002.

Davis' mother, Bonnie Rand, said Davis liked to hike, run, kayak, surf and swim. Rand said Davis was ecstatic to come to Hawai'i for the sports and outdoors, and assisted the paddling team at Mililani High for a time.

"She was always busy, always active," she said.

Rand had visited Davis in Hawai'i three weeks before the accident. Davis took her to the beach every day, she said.

Dr Jane K Kadohiro, DrPH, APRN, CDE

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To: Honorable Jon Riki Karamatsu, Chair,
House Committee on the Judiciary

From: Dr Jane K Kadohiro

Re: Testimony in Support of HB 2661, HD 1 (Relating to Anatomical Gifts)

My name is Jane Kadohiro and I am in support of HB 2661, HD 1, which relates to anatomical gifts. Enactment of this bill will save the lives of a substantial number of people with diabetes as well as others who are needlessly awaiting organs for transplant.

It has been projected that one out of every seven Hawaii residents will suffer from kidney disease during their lifetimes. Diabetes is one of the major causes of kidney disease and renal failure requiring dialysis while awaiting a donor kidney. Dialysis is ... should be... only a temporary life-saving measure. A long term cure for renal failure is only through transplantation of a donor kidney. If not available, and if one remains on dialysis, eventually the strain on the heart and other organs leads to premature death. This is totally unnecessary.

As an Advanced Practice RN and Certified Diabetes Educator for many years, I have cared for many patients who have needlessly died awaiting a donor kidney. I have witnessed a great many people who have become so tired and weak... and eventually very frail and disabled as they have waited, enduring a number of years on dialysis.

HB 2661 HD 1 ensures that the wishes of individuals who have taken the time to prepare clear documentation of their wishes to donate an organ (such as within a last will and testament, indication on a drivers license, etc) are upheld by legally informing those agencies and organizations who are by law, responsible to carry out the duty of retrieving organs from the deceased, is actually carried through to fruition. This bill contains no penalties.

I urge you to enact HB 2661, HD 1 into law. Thank you very much for your serious and thought-ful consideration of the above written testimony..