

HRSA, and the structure of the OPTN contract, which is up for renewal in 2023. “This is not a partisan issue,” said Senator Wyden. “This is a national issue, and as we have touched on, repeatedly over the course of the afternoon, patients waiting for organs and families of donors deserve better, and we’re going to stay at it until they get those fixes,” he added.

ASN will continue to advocate for transformations to the transplant system, including tracking the progress of congressional oversight. As stated to the Senate Finance Committee, transplant policy should be aligned with the primary goal of increasing access to kidney transplantation to the maximum number of patients with kidney failure while improving long-term posttransplant outcomes and quality of life. ASN will continue to push for reform until a kidney transplant is an accessible therapy for all Americans living with kidney failure. ■

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## Anticipation of the Living Donor Protection Act Realization

On September 28, advocates from patient and professional kidney health organizations from across the nation will call on their members of Congress to pass the Living Donor Protection Act (LDPA) as part of Kidney Community Advocacy Day 2022.

Momentum to pass the LDPA has been building steadily this year due to the efforts of advocates, including ASN’s March 2022 Kidney Health Advocacy Day. The current draft of the legislation continues to add co-sponsors, bringing the total to 134 co-sponsors in the House and 41 in the Senate, the highest number of co-sponsors ever received by the legislation.

The LDPA was introduced in the House by Jerrold Nadler (D-NY) and Jaime Herrera Beutler (R-WA) in February 2021 (1). The legislation was first introduced in 2013–2014 by the 113th Congress and has been introduced by every Congress since then. Currently, there are 28 states that have similar laws to remove barriers and protect living donors. This strong bipartisan, bicameral, and local legislature support provides the best chance yet for the LDPA to pass in the 117th Congress.

The LDPA contains three key components to protect living donors. First, the LDPA makes it unlawful for insurers to deny or limit coverage of “life insurance policy, disability insurance policy, or long-term care insurance policy” for living donors. Second, the bill codifies a 2018 Department of Labor opinion that the Family and Medical Leave Act of 1993 protects the employment of living donors for the “recovery from surgery related to organ donation.” Lastly, the LDPA requests the Secretary of the Department of Health and Human Services (HHS) to

“review and update materials related to living organ donation in order to educate the public on the benefits and risks of living organ donation and the impact of living organ donation on the access of a living organ donor to insurance.”

These three key components will be a major upgrade to the US transplant ecosystem and will bolster one of ASN’s four key priorities of the We’re United 4 Kidney Health campaign: to transform transplant and increase access to donor kidneys (2). This legislation will also advance the campaign’s priority to achieve equity and eliminate disparities. According to a recent *CJASN* article, “Social Determinants of Health and Race Disparities in Kidney Transplant” (3), Black patients have a higher incidence of kidney failure but lower rate of deceased and living donor kidney transplantation compared with White patients. Research has also shown that a transplant from a living donor is much less common among Black Americans (21%), Hispanic Americans (24%), and Asian Americans (29%) compared with White Americans (46%) (4). Giving more protections to living donors will grant disadvantaged populations more freedom to donate and close the gap of the disparities identified.

There are currently 89,891 patients on the national waitlist in need of a life-saving kidney. On average, 13 Americans die every day while waiting for a kidney transplant (5, 6). ASN has called for several transplant system transformations to address these challenges, including efforts to encourage living donation, increase transparency and accountability, and achieve equity. ASN also urges Congress to create an Office of Transplant Policy in the HHS to oversee and coordinate the many transplant-

related pieces of the entire system housed within HHS.

ASN invites interested members to urge Congress to pass the LDPA by taking action on the ASN Advocacy & Public Policy website ([www.asn-online.org/policy/lac.aspx](http://www.asn-online.org/policy/lac.aspx)). Members of Congress need to hear from their constituents about why protecting and respecting living donors are important to increase equity and ultimately increase access to transplantation. ■

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