

A. Definitions

1. "Living donation" means the gift by an individual of an organ of that individual's body to be transplanted into another individual's body, the gift to be executed while the donating individual is living and with the intent that the donating individual will continue to live after the execution of the gift.

For the purpose of the Living Donor Support Program, living donation process includes pre-evaluation, donation and post-donation follow-up care

2. "Living donor" means: (1) an individual who makes a living donation; or (2) an individual who incurs expenses as part of the living donation screening and evaluation process but that, through no decision or judgment of their own, does not become an actual living donor.

For the purposes of the Living Donor Support Program, "through no decision or judgement of their own" means that an individual incurred expenses as part of living donor evaluation process but did not ultimately make a living donation based on a determination by the transplant center that the applicant cannot or should not make the donation.

3. "Living donor expenses" means financial costs incurred by a living donor that arise due to the act of living donation and its consequences, that are subject to reimbursement under section forty-three hundred seventy-one of this title.

For the purposes of the Living Donor Support Program "consequences" means any effect or aftereffect to the life or health of the living donor that is related to the living donation process that is outside of the expected living organ donation process.

4. "Living donor support program" or "program" means the living donor support program established under section forty-three hundred seventy-one of this title.

5. "Paired donation" means a living donation in which the living donor's organ is incompatible with the ultimate intended recipient and the living donor's organ is transplanted into another recipient, and in turn another living donor makes a living donation, directly or through one or more paired donations, to the ultimate intended recipient of the initial living donor.

6. For the purpose of the Living Donor Support Program an anonymous, non-directed donor is someone who donates an organ with no intended recipient.

7. For the purposes of the Living Donor Support Program New York State residency is defined as any person who resides in the state and is able to prove residency with specified documentation:

Acceptable documents include:

- i. Letters of residency
- ii. Rental, Leases or mortgage statements
- iii. Paystub from their employer
- iv. Bank or investment statements,
- v. Unemployment check stubs
- vi. Voter registration card,
- vii. W2 or 1099
- viii. Social Security or Disability statements
- ix. Real estate tax bills
- x. Telephone bills
- xi. Utility bills
- xii. Tax returns

State residence shall continue until such person has established primary residency in another state or has resided outside of New York State for six or more of the past twelve months; provided, however, that no person shall lose state residence by absence from the state while: (a) attending an institution of higher education in a state other than New York; or (b) serving in any branch of the United States armed forces; provided further, that no member of the family of any such person shall lose state residence by absence from the state while living with or near such person during the period of such service.

8. For the purposes of the Living Donor Support Program Special Circumstances are situations that demonstrate the need to extend the period of time of reimbursable lost wages beyond four weeks, but not to exceed eight weeks include but are not limited to:

- a. Nature of physical labor required for the living donor's employment as validated by employer

For the purposes of the Living Donor Support Program labor means a job where an individual spends more than 25% of working time engaged in activities that include:

- i. Lifting heavy objects
- ii. Lifting heavy objects while bending or reaching
- iii. Lifting overhead or reaching
- iv. Standing for long periods of time
- v. Stooping, bending, or squatting frequently
- vi. Climbing stairs

b. Nature of job hazards or work conditions that a medical professional (doctor, nurse practitioner, physician's assistant, or licensed midwife.) documents as negatively impacting the donor's recovery if returned to work at 4 weeks time.

c. Occurrence of a donation related complication impacting the donor's ability to return to work, verified by documentation from a medical professional (doctor, nurse practitioner, physician's assistant, or licensed midwife.)

9. Dependent care is defined as childcare, eldercare and dependent adult care that would normally be performed by the living donor that is still required but can not be performed by the living donor as a result of the living donation process.

For the purpose of the Living Donor Support Program a dependent adult is one who has physical or mental limitations that restrict his or her ability to carry out activities of daily living or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities.

10. For the purpose of the Living Donor Support Program a support person is defined as someone the donor may choose to accompany them to the evaluation, surgery or follow up appointments or a combination of these to assist them through the donation process.