



Department
of Health

NYS Transplant Council Special Session Living Donor Support Program

April 9, 2025 / 28 Liberty Street, Manhattan, NY

AGENDA

- **Introductions**
- **Greetings and Department Commitment to Living Donor Support Program**
- **Regulatory Approach and Feedback Requested**
- **Review of Proposed Regulations with Discussion**
- **Review of Associated Guidance Documents with Discussion**
 1. **Program Eligibility**
 2. **Reimbursement**



Living Donor Support Act



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LIVING DONOR SUPPORT ACT

- **Public Health Law Article 43-B**
 - **Title 2, Living Organ Donation**
 - **Section 4370-Definitions**
 - **Section 4371-Reimbursement of Living Donors**
 - **Section 4372- Transplant Education of Patients with Kidney Disease and End Stage Renal Failure**
- **Statute specifically identifies what the Commissioner must and what the Commissioner may establish regulations on.**
 - **See Handout**



Regulatory Approach and Proposed Language

See Proposed Regulations



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REGULATORY APPROACH

- **New Section added to the Official Compilation of Codes, Rules and Regulations (NYCRR)**
 - **Title 10, Section 1010**
- **Developed proposed regulations utilizing a minimum necessary model.**
- **Statute identifies that the Commissioner must establish regulations on:**
 - 1. Expenses eligible for reimbursement under the program**
 - 2. Implementing regulations**
- **Statute identifies that the Commissioner may establish regulations on.**
 - **Reasonable limitation on reimbursements**



REGULATORY LANGUAGE

1. Eligible Expenses and Limitations

- No single donor can receive more than \$14,000 reimbursement for living donation related expenses.
- Compensation for eligible expenses will be limited to rates determined by the Department.
- Lost wages (including demonstrated lost non-employment income) or the economic value of expended sick or vacation days.
 - Not to exceed 4 weeks unless special circumstances demonstrated and then up to 8 weeks.
 - Details included in the Reimbursement Guidance



REGULATORY LANGUAGE

1. Eligible Expenses and Limitations, continued

- **Travel, meals and Lodging**
 - **Details included in the Reimbursement Guidance.**
- **Child, elder, and dependent adult care.**
 - **Details included in the Reimbursement Guidance.**
- **Cost of medication and medical care associated with the living donation not covered by health insurance including Medicaid.**



REGULATORY LANGUAGE, CONTINUED

2. Implementing Regulations:

- **Living donors seeking reimbursement from the Living Donor Support Program must file a program eligibility application and/or request for payment pre-authorization and/or claims for reimbursement in accordance with processes designated by the Department.**
- **Program staff will review applications, requests and claims and either approve or disapprove, unless an application is withdrawn.**
- **Reviews will be carried out to guard against and/or investigate potential fraud or abuse of participant or provider conduct and recover funds when appropriate.**
- **Details included in the Eligibility and Application Guidance.**



Associated Documents

Living Donor Support Program Eligibility Guidance

PROGRAM ELIGIBILITY GUIDANCE

1. Eligibility Criteria

- **Made a living donation or incurred expenses as part of living donor evaluation process but do not ultimately make a living donation based on a determination by the transplant center that applicant does can not or should not make the donation.**
- **Living Donor is a NYS resident.**
- **Ultimate Recipient in a NYS resident.**

2. Eligibility Application Package Requirements

- **Completed Application Form with Associated Attestations and Worksheets**



PROGRAM ELIGIBILITY GUIDANCE, CONT.

3. Initiation and Submission of Eligibility Application and Materials

- Except in limited emergency situations, eligibility application and materials must be submitted and approved prior to living donation being made.**
- Applications will be accepted for donors wishing to make the living donation of a kidney, liver or other medically approved life saving organ(s).**

4. Required Documentation

- Completed application**
- Proof of living donor and recipient NYS residency.**



PROGRAM ELIGIBILITY GUIDANCE, CONT.

Acceptable Proof of Residence

- Two different proofs of residency are required.
- Documents must display both full name of living donor and address of current residence.
- Proofs must be dated within last 90 days of application filing.
 - List of acceptable documents is included in guidance.

5. Department Review and Determination of Program Eligibility

6. Notification of Decision and steps to take to seek reimbursement



Associated Documents

Living Donor Support Program
Reimbursement Guidance

REIMBURSEMENT GUIDANCE

1. **Eligible Legacy Donors will be reimbursed for eligible expenses.**
 - Legacy Donors are individuals that made a living donation between April 1, 2023 and January 1, 2026.
 - Must submit Program Application Package within 90 days of program launch and claims for reimbursement within 90 days of program acceptance.
2. **Reimbursement and Limits**
 - Reimbursement limit for any single living donor is \$14,000.00
 - Lost wages or economic value of expended sick or vacation time
 - For 4 weeks and up to 8 weeks in special circumstances such as job involving physical labor.



REIMBURSEMENT GUIDANCE

2. Reimbursement and Limits, continued

- **Travel, Food and Lodging:**
 - **Based on Government Services Administration (GSA) rates when expenses associated with the living donor process.**
 - **In all instances efforts should be made to utilize the most economical rout of transportation, lodging and meals.**
 - **Overnight reimbursement allowed when distance between living donor residence and donation related activity destination is equal to or greater than 75 miles one way, roads traveled.**
- **See Guidance and Appendix**



REIMBURSEMENT GUIDANCE

2. Reimbursement and Limits, continued

- **Child Care:**
 - Based on State Office of Family Services most recent Child Care Assistance Market Rates per applicable regions informal childcare standard rate.
 - See Guidance and Appendix
- **Elder care and Dependent Adult Care:**
 - Based on standard rate determined by the Department.
 - See Guidance and Appendix



REIMBURSEMENT GUIDANCE

2. Reimbursement and Limits, continued

- **Medication and Medical Care:**
 - Qualifying medication and medical care expenses are those incurred in association with the living donation or a consequence of the living donation unreimbursed by recipient or donor health insurance or Medicaid extending out one year after the donation surgery.
 - A consequence of the living donation process would include events or occurrences that fall outside of the usual and expected evaluation, operative and post-op course.
- **Support Person:**
 - The Program will provide a flat rate of \$100.00 per day for up to 20 days for a support person to accompany living donor.



REIMBURSEMENT GUIDANCE, CONT.

3. Process and Requirements of Requesting Reimbursement

- In order to receive reimbursement from the Living Donor Support Program an approved program participant must create a vendor profile in the NY Statewide Financial System.
- Living donor applicants who are evaluated and deemed suitable to be a living donor must submit claims within 90 days of living donor surgery.
- Living donors may seek reimbursement of expenses in any or all of the eligible expense categories.
- Documentation requirements include submission of claims using Department approved form, evidence of income and lost wages if seeking such, and evidence of expenses incurred. See Guidance.



REIMBURSEMENT GUIDANCE, CONT.

4. Process and Requirements of Requesting Reimbursement, continued

- If a living donor applicant underwent evaluation but is deemed ineligible to make a living donation, submission of expenses incurred related to the evaluation process must be submitted within 90 days of the expenses being incurred.



REIMBURSEMENT GUIDANCE, CONT.

5. Program Evaluation of Claims and Reimbursement Determination

- Each claim for reimbursement will be evaluated and a determination made regarding the amount of reimbursement to be dispersed.
- Program will not reimburse expenses that were paid or required to have been paid for by any third-party payer including but not limited to wages or other expenses that are covered under paid medical leave by the living donor's employer or that are covered by other third-party payors.
- *Federal law prohibits the National Living Donor Assistance Center from reimbursing expenses that were paid or should be paid by third-party payors and/or state living donor assistance programs.*



REIMBURSEMENT GUIDANCE, CONT.

5. Program Evaluation of Claims & Reimbursement Determination, cont.

- **Such sources may include but are not limited to:**
 - **Benefits offer to living donors by employers.**
E.g., living donor benefit or critical illness insurance coverage
 - **State disability or unemployment compensation**
 - **Other insurance(s) purchased privately by the living donor.**



REIMBURSEMENT GUIDANCE, CONT.

5. Program Evaluation of Claims & Reimbursement Determination, cont.

- Living donor expenses will be paid as soon as possible after being incurred, claim for reimbursement filed and approved by program.
- Living donors may seek pre-authorization of funding for eligible expenses.
- To the extent allowable by law, the Living Donor Support Program will be the payer of last resort with respect to any benefits under this program.



REIMBURSEMENT GUIDANCE, CONT.

6. Internal Controls, Audits, Fraud and Abuse

- **The Program will implement tracking and monitoring practices that ensure compliance with NYS Law and regulation, ensure effective internal controls as well as prevent, detect and resolve any findings of fraud or abuse.**
 - **Good faith efforts by donors seeking reimbursement of eligible expenses will not be subject to recovery of funds dispersed by the Living Donor Support Program.**



Questions?



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