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An Evaluation of Department of Health Grants Funded Through the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund

December 2020



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REPORT SUMMARY



Objectives and Scope

- ❖ *To conduct a performance evaluation of expenditures that utilize Department of Health grants relating to organ and tissue donation.*
- ❖ *To evaluate whether the Department is meeting its mandate, mission, goals, and objectives under the program.*
- ❖ *To evaluate whether grantees under the program are meeting the terms and conditions of their grants.*
- ❖ *To evaluate whether grantees are meeting the stated objectives of their grants.*
- ❖ *To evaluate the fiscal condition of the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.*

Report Overview

The passage of Act 1994-102 readopted the state's Uniform Anatomical Gift Act (AGA),¹ which included additional provisions intended to increase organ and tissue donation in the Commonwealth. The term "Organ and Tissue Donor Awareness Program (OTDAP)," although not specifically referenced in Pennsylvania law, is generally used to refer to the collective efforts and activities of various governmental and private-sector agencies and organizations in implementing the provisions of the act.

The "program" provisions outlined in Act 1994-102 were within the following seven categories:

- Required hospital protocols and participation
- Promotion of organ donation education and awareness
- Driver's license designation
- Creation of an advisory committee
- Establishment of a trust fund
- Authorized expenditures and spending caps
- Reporting requirements

This legislation placed Pennsylvania at the forefront of organ and tissue donation,² and was intended to provide education to Pennsylvania residents and encourage them to become organ and tissue donors.³

The purpose of the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund is to "increase organ and tissue donation by means of education and public awareness activities in the Commonwealth."⁴ The Trust Fund is supported by voluntary contributions made by Pennsylvania residents. Act 2018-90 directs the Department of Transportation to provide new or renewal driver's license or state identification card applicants the opportunity to make a \$3.00 contribution to the Trust Fund.⁵ The act also directs the Department of Revenue to allow residents to make voluntary contributions to the Trust Fund when completing a state income tax return form.

¹ Act 1969-161, Uniform Anatomical Gift Act.

² <<https://donatelifepa.org/information/about-us/>>

³ *Ibid.*

⁴ Organ Donor Advisory Committee, *The Pennsylvania Organ and Tissue Donation Action Plan*, 2010.

⁵ PA Act 1998-74 directed the Pennsylvania Department of Transportation to provide the same opportunity to applicants when completing a vehicle registration renewal.

Act 2018-90 directs the LBFC to conduct a study and performance evaluation of expenditures that utilize grants from the Department of Health relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund and report our results to the Senate Health and Human Services Committee, House of Representatives Health Committee, and Judiciary Committees of both chambers.

We received and reviewed monthly invoices of Organ Procurement Organizations (OPOs) and subcontractors including deliverables such as media plans and advertising as well as the Pennsylvania Organ Donation Advisory Committee (Committee) annual reports, Committee meeting notes, and correspondence.

We also reviewed contracts between DOH and organ procurement OPOs over our review period to determine compliance with contractual obligations. We also looked at other states to evaluate how Pennsylvania's organ donation designations compared with other states.

Finally, we analyzed revenues and expenditures using data obtained from DOH, OPOs, the Governor's Office of the Budget, and Committee annual reports to evaluate the fiscal condition of the Trust Fund. We used this information to calculate financial indicators necessary to analyze the Trust Fund's fiscal condition.

Grant Agreement Compliance

Grant agreements are signed on a three year basis with one advertising agency selected through a competitive bidding process for each new contract period. We reviewed a total of six agreements, three for each OPO for the periods (1) FYs 2012-2015; (2) FYs 2015-2018; and (3) FYs 2018-2021 (test work was completed October 2020, therefore, our review did not include the full agreement period through FY 2020-21). Overall we found that grantees and sub-grantees under the program were meeting the terms and conditions of their grant agreements. It appears the OPOs and subcontractors worked in concert to promote organ and tissue donation awareness.

We found several conditions of the agreements were not met and/or DOH was not able to provide documentation indicating those particular conditions were met.

We found:

- Overall there was a coordinated effort in the oversight of the Trust Fund's mission, along with the oversight of grantees and sub-grantees.
- Areas for future improvement to ensure compliance and performance based on our review of past compliance with grant agreements.

We recommend:

1. Pennsylvania Department of Health should alter future grant agreements to better align with the Trust Fund's goals, needs, and resources and require documentation of performance.

Organ Donor Designations

Donate Life Pennsylvania (DLPA) is a collaborative initiative between the Center for Organ Recovery and Education (CORE), Gift of Life Donor Program (GOL), and the Pennsylvania Departments of Health (DOH) and Transportation (PennDOT).⁶ CORE and GOL, with the advice and recommendations of the Organ Donation Advisory Committee (ODAC) and with the approval of the DOH, jointly select one sub-grantee to design the statewide public awareness campaign.⁷ The campaign's objective is to increase the number of registered drivers designated as an Organ Donor on their license.^{8,9} Through education and awareness, the campaign works to increase the number of Pennsylvanians who are registered organ and tissue donors.

We found:

- Statewide public awareness campaign efforts have continued to increase the number of organ donor designations in the Commonwealth. The total number of designations has increased from 4,462,941 in FY 2011-12 to 4,940,650 at the end of the 2019-20 fiscal year.
- The organ donor designation goal for the FYs 2012-15 grant agreement period was not reached. Although the number of designations increased by 135,844, it fell short of the campaign goal by 113,299.

⁶ <www.donatelifepa.org>

⁷ Pennsylvania Department of Health grant agreement(s), with CORE and GOL for fiscal years 2012-15, 2015-18, and 2018-21 grant agreement periods.

⁸ *Ibid.*

⁹ Includes State identification card holders.

- Donate Life America (DLA) data indicates of the 37 states that submitted their donor designation rates, 20 had a higher rate than Pennsylvania’s 46 percent, and only 16 had a lower donor designation rate in 2012.
- In 2019, Pennsylvania had the 12th lowest donor designation rate out of the 39 states reporting, at 48 percent, according to DLA’s 2019 National Donor Designation Report Card.
- As of June 30, 2020 the state’s donor designation rate is 49.6 percent.

Fiscal Condition

Overall the fiscal condition of the Trust Fund is a concern. The data shows that revenues in constant dollars (adjusted for inflation) have remained relatively flat while expenditures have tended to increase. Until FY 2019-20, revenues per capita had been decreasing. Equally concerning is the Trust Fund’s ability to accurately project revenues. In three of seven fiscal years during our review, Actual vs. Budgeted revenues were off by more than 10 percent.

In the first four fiscal years of our review, expenditures exceeded revenues. While the Trust Fund made appropriate adjustments in year five of our review, the gap between revenues and expenditures as begun to narrow again. Expenditures per capita were maintained even as revenues declined. In FY 2018-19, the Trust Fund took appropriate measure to decrease spending, however, it appears the cuts to the outreach program resulted in a significant decline in the number of organ donor designations.

Finally, the Trust Fund relied on reserves to continue spending in FYs 2014-15 through 2017-18. The result is a significant depletion in cash reserves in the fund. However, the Trust Fund did receive an increase in the donation amount allowed at driver’s license and registration renewals from \$1.00 to \$3.00. This should improve the financial condition of the fund.

The categories, financial indicators, and trends are highlighted below:

Category	Financial Indicator	Trend
Revenues	Revenues per Capita	Warning
	Actual vs. Budgeted	Warning
	Revenues vs. Expenditures	Caution
Expenditures	Expenditures per Capita	Caution
	Expenditures per New Designation	Caution
Operating	Fund Surplus/Deficit	Warning
	Fund Balance as a Percent of Expenditures	Caution

SECTION I

OBJECTIVES, SCOPE, AND METHODOLOGY



Why we conducted this study...

Senate Bill 2018-180 (SB 180) directed the LBFC to conduct a study and performance evaluation of expenditures which utilize grants from the Department of Health relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

On October 23, 2018 SB 180 was signed into law by Governor Tom Wolf as Act 2018-90.

Objectives

Our objectives for this study were:

1. To conduct a performance evaluation of expenditures that utilize grants from the Department of Health (DOH) relating to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund (Trust Fund).
2. To evaluate whether DOH is meeting its legal mandate, mission, goals, and objectives under the program.
3. To evaluate whether grantees under the program are meeting the terms and conditions of their grants.
4. To evaluate whether grantees are meeting the stated objectives of their grants.
5. To evaluate the fiscal condition of the Trust Fund.

Scope

Our study primarily covered the period July 1, 2013, through June 30, 2018.

Methodology

To review expenditures of DOH grants we received and reviewed monthly invoices of Organ Procurement Organizations (OPOs) and sub-contractors including deliverables such as media plans and advertising.

We met with DOH staff to get an overview of The Governor Robert P. Casey Memorial Organ and Tissue Trust Fund (Trust Fund).

We reviewed Pennsylvania Organ Donation Advisory Committee (Committee) annual reports, Committee meeting notes, and correspondence to get an understanding of the Committee's actions and oversight.

We reviewed contracts between DOH and organ procurement OPOs over our review period to determine compliance with contractual obligations.

To get a sense of organ donation designations in other states we reviewed "Donate Life American Annual Updates" and conducted research on specific states.

To evaluate the fiscal condition of the Trust Fund we analyzed revenues and expenditures using data obtained from DOH, OPOs, the Governor's Office of the Budget, and Committee annual reports. We used this information to calculate financial indicators necessary to analyze the Trust Fund's fiscal condition.

Acknowledgements

We acknowledge and appreciate the cooperation we received from the staff of the Pennsylvania Department of Health in completing this study. Appreciation for the cooperation and support they provided during this review is extended to Ms. Amy Flaherty, Nutrition and Physical Activity Division Director, Ms. Kelly Holland, Bureau of Health Promotion and Risk Reduction Director, Ms. Patricia Dillon, Office of Legislative Affairs Assistant Director, and Ms. Susan Albert Division of Nutrition and Physical Activity Administrative Assistant.

Important Note

This report was developed by the staff of the Legislative Budget and Finance Committee, including Deputy Executive Director, Christopher Latta and staff analysts, Shanika Mitchell-Saint Jean, and Stevi Sprenkle. The release of this report should not be construed as an indication that the Committee as a whole, or its individual members, necessarily concur with the report's findings, conclusions or recommendations.

Any questions or comments regarding the contents of this report should be directed to the following:

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SECTION II

BACKGROUND INFORMATION ON THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND



Fast Facts...

- ❖ *Act 1994-102 established the Organ Donor Advisory Committee (ODAC) and Governor Robert P. Casey Memorial Organ and Tissue Donation Trust Fund.*
- ❖ *The Pennsylvania Department of Health (DOH) is the lead agency responsible for promoting organ, tissue, and eye donation in the Commonwealth.*
- ❖ *Center for Organ Recovery & Education (CORE) and Gift of Life Donor Program (GLDP) are the State's designated Organ Procurement Organizations.*

Act 2018-90 directs the LBFC to conduct a study and performance evaluation of expenditures that utilize grants from the Department of Health relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund and report our results to the Senate Health and Human Services Committee, House of Representatives Health Committee, and Judiciary Committees of both chambers (See Appendix A for a copy of the act).

This section provides an overview of Pennsylvania's Anatomical Gift Act (AGA), The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, the Organ Donor Advisory Committee, trust fund administrators, and the roll of Organ Procurement Organizations.

A. Brief History

The passage of Act 1994-102 readopted the state's AGA,¹⁰ which included additional provisions intended to increase organ and tissue donation in the Commonwealth. The term "Organ and Tissue Donor Awareness Program (OTDAP)," although not specifically referenced in Pennsylvania law, is generally used to refer to the collective efforts and activities of various governmental and private-sector agencies and organizations in implementing the provisions of the act.

The "program" provisions outlined in Act 1994-102 were within the following seven categories:

- Required hospital protocols and participation
- Promotion of organ donation education and awareness
- Driver's license designation
- Creation of an advisory committee
- Establishment of a trust fund
- Authorized expenditures and spending caps
- Reporting requirements

¹⁰ Act 1969-161, Uniform Anatomical Gift Act.

This legislation placed Pennsylvania at the forefront of organ and tissue donation,¹¹ and was intended to provide education to Pennsylvania residents and to encourage them to become organ and tissue donors.¹²

B. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund

The purpose of the Trust Fund is to “increase organ and tissue donation by means of education and public awareness activities in the Commonwealth.”¹³ The Trust Fund is supported by voluntary contributions made by Pennsylvania residents. Act 2018-90 directs the Department of Transportation to provide new or renewal driver’s license or state identification card applicants the opportunity to make a \$3.00 contribution to the Trust Fund.¹⁴ The act also directs the Department of Revenue to allow residents to make voluntary contributions to the Trust Fund when completing a state income tax return form.

In accordance with Act 2018-90, the fund may be expended annually by the Department of Health, as follows:

- **Ten percent** for reasonable hospital and other medical expenses, funeral expenses, and incidental expenses incurred by the donor or donor's family in connection with making an organ or tissue donation, along with programming to provide support services to organ donors and tissue donors and their families. Such expenditures may not exceed \$3,000 per donor and may only be made directly to the funeral home, hospital, or other service provider related to the donation.
- **Fifty percent** may be expended for grants to certified organ procurement organizations for the development and implementation of organ donation awareness programs in the Commonwealth. The Department of Health is designated with developing and administering the grant program.
- **Fifteen percent** may be expended by the Department of Health, in cooperation with certified organ procurement organizations, for the Project Make-A-Choice program, including information

¹¹ <<https://donatelifepa.org/information/about-us/>>

¹² *Ibid.*

¹³ Organ Donor Advisory Committee, *The Pennsylvania Organ and Tissue Donation Action Plan*, 2010.

¹⁴ PA Act 1998-74 directed the Pennsylvania Department of Transportation to provide the same opportunity to applicants when completing a vehicle registration renewal.

pamphlets designed by the Department of Health relating to organ donor awareness and the laws regarding organ donation, public information, and public education about contributing to the fund when obtaining or renewing a driver's license or identification card and when completing a state individual income tax return form.

- **Twenty-five percent** may be expended by the Department of Education for the implementation of organ donation awareness programs in secondary schools.

Trust Fund donations are used to support organ and tissue donation awareness efforts throughout the state.

C. Organ and Tissue Donation Advisory Committee

Statutory Provisions. Act 1994-102 established the Organ and Tissue Donation Advisory Committee (ODAC) to oversee the Organ and Tissue Donor Awareness Program (OTDAP). Members are appointed by the Governor made “in a manner that reflects geographic diversity” across the Commonwealth. Act 2018-90 added the Secretaries of Education, Health, Transportation, and State, increasing the membership from 15 to 19. See Exhibit 1 for the composition of the Committee.

Exhibit 1

Member Composition of the Organ and Tissue Donation Advisory Committee

Representatives of:	No. of Members
The Secretary of Education or designee	1
The Secretary of Health or designee	1
The Secretary of Transportation or designee	1
The Secretary of the Commonwealth or designee	1
Organ Procurement Organizations	2
Tissue Procurement Providers	2
Organ, Tissue and Eye Recipients, Families of Recipients, Donors, and Families of Donors	6
Acute Care Hospitals	2
Eye Banks	1
Community Health Organization	1
County Coroner	1
Total	19

Source: Act 2018-90.

Committee members serve five-year terms and can be reappointed for successive terms by the Governor. Exhibit 2 below shows current ODAC members, position/title, term, affiliation, and region.

Exhibit 2

**Members of the Organ Donation Advisory Committee
(As of July 1, 2020)**

Representative	Name Position/Title	Term	Affiliation	Region
The Secretary of Education or designee	John Kashatus, School Safety Education Advisor	N/A	Department of Education	SC
The Secretary of Health or designee	Kelly Holland, Director, Bureau of Health Promotion and Risk Reduction	N/A	Department of Health	SC
The Secretary of Transportation or designee	Diego Sandino, Community Relations Coordinator	N/A	Department of Transportation	SC
The Secretary of the Commonwealth or designee	Stephen Latanishen, Director of Intergovernmental Affairs	N/A	Department of State	SC
Organ Procurement Organizations	Susan A. Stuart, President and CEO	3/11/15- 3/11/20	Center for Organ Recovery and Education	SW
	Howard Nathan, President and CEO	1/30/19- 1/30/24	Gift of Life Donor Program	SE
Tissue Procurement Providers	Brian Hamilton, Director, Technical and Education Services	3/11/15- 3/11/20	Musculoskeletal Transplant Foundation	NE
	Bill Leinweber, President and CEO	1/30/19- 1/30/24	National Disease Research Interchange	SE
Organ, Tissue and Eye Recipients, Families of Recipients, Donors, and Families of Donors	Dr. Linda Barrasse (donor mother)	11/5/19- 11/5/24		NE
	Representative Joseph PetRARCA (recipient family)	1/30/19- 1/30/24	House of Representatives	SW
	Bruce Edwards donor father and tissue recipient)	11/5/19- 11/5/24		SE
	Robert Greenwood (recipient family)	11/5/19- 11/5/24		SC
	James Ronald (Ron) Gooden (organ recipient)	11/5/19- 11/5/24		SW

Exhibit 2 Continued

Representative	Name Position/Title	Term	Affiliation	Region
	Brittany Grimm (organ recipient)	11/5/19- 11/5/24		SW
Acute Care Hospitals	Pamela Swansboro, MS, RN Chief Nursing Officer, ODAC <i>Vice-Chair</i>	11/5/19- 11/5/24	Conemaugh Meyersdale Medical Center	SW
	Rev. Dr. Brenda Alton, Super- visor, Spiritual Care Services	6/15/18- 6/5/23	UPMC Pinnacle Health, Harrisburg Campus	SC
Eye Banks	Dr. Lisa Battat, Ophthalmolog- ist and Corneal Specialist, <i>ODAC Chair</i>	1/30/19- 1/30/24		SW
Community Health Organization	Cheri Rinehart, RN, NHA, President and CEO	11/5/19- 11/5/24	Pennsylvania Association of Community Health Centers	SC
County Coroner	Pam Gay, RN, BS, D-ABMDI York County Coroner	11/5/19- 11/5/24	York County Coroner’s Office	SC

Source: Developed by LBFC staff using information obtained from the PA Department of Health and the Organ and Donation Advisory Committee.

In Pennsylvania, multiple state agencies work with ODAC and the Commonwealth’s two federally-designated organ procurement organizations (OPOs) to administer the state’s Organ and Tissue Donor Awareness Program (ODTAP). The sections that follow define the state agencies’ role(s) and the OPOs role in organ donation awareness in the Commonwealth.

In addition, these agencies and organizations work along with the state’s hospitals and transplant centers, tissue banks, and numerous other partners in the overall statewide transplantation network. Other partners include statewide hospital and healthcare associations, donation advocacy organizations, the business community, medical examiners, coroners, district attorney’s offices, faith communities, and the media.

D. Program Administration

Department of Health: The Pennsylvania Department of Health (DOH) is the lead agency responsible for promoting organ, tissue, and eye donation in the Commonwealth.¹⁵ In this capacity, DOH is responsible for the statewide coordination of all organ and tissue donation initiatives

¹⁵ See Act 2018-90.

among other collaborating Commonwealth agencies. The mission of DOH is to promote healthy behaviors, prevent injury and disease, and to assure the safe delivery of quality health care for all people in Pennsylvania.¹⁶ According to DOH “while the Department and the Bureau have mission statements, individual programs do not. The goals and objectives for the organ donation program are articulated within the grant agreements.”¹⁷

As the lead Commonwealth agency DOH performs various functions for OTDAP. These include:

- Providing support services and oversight to ODAC by arranging meetings, preparing and distributing meeting minutes and agendas, and attending to concerns and questions of Committee members;
- Administering grants to the organ procurement organizations (OPOs), which includes funding for Project Make-A-Choice;
- Administering the food and lodging expense benefits program;
- Administering miscellaneous projects including the online donation designation program, grief counseling, and minority outreach;
- Preparing organ donation communication, press releases, and responses to constituents; and
- Administering a state appropriation for educational brochures that are distributed in conjunction with the Department of Transportation as well as funding for other educational initiatives as necessary.

Department of Education: The Pennsylvania Department of Education (PDE) is responsible for the implementation of organ donation awareness programs for the Commonwealth’s secondary schools. Twenty-five percent of the Trust Fund can be expended by PDE annually for awareness programs. Although secondary schools are not required to use the program, the act requires PDE to maintain a publicly accessible “model curriculum” for 9th through 12th graders, for use by both public and non-public schools on organ donation awareness.¹⁸

Department of Transportation: Pennsylvania Department of Transportation (PennDOT) in partnership with DOH and the state’s two OPOs, works to promote organ and tissue donation throughout the Commonwealth. In response to statutory mandates, PennDOT maintains a statewide Organ Donor Designation registry and through its website provides information on organ donation, how to register, and the donation process. PennDOT compiles statistical data related to the registry and provides up-to-date organ donation information to the state’s OPOs.

¹⁶ <www.health.pa.gov/About/Pages/About.aspx>

¹⁷ See sections III and IV for additional information on goals and objectives.

¹⁸ See Act 2018-90.

The Department is also responsible for collecting dedicated program revenues from voluntary contributions made by individuals applying for driver's licenses, identification cards, and vehicle registrations.

Department of Revenue: The Pennsylvania Department of Revenue (PDR) is not directly involved in the administration of the OTDAP. However, in response to statutory mandates, the PDR collects voluntary contributions made to the Trust Fund.¹⁹ PDR is also required to provide information on the state's income tax form or in its instructions regarding the Trust Fund, including an address to which tax payers that do not receive a refund, but still wish to contribute to the Trust Fund, can donate.

All voluntary contributions made to the Trust Fund are totaled and reported to the State Treasurer and subsequently transferred to the Trust Fund annually.²⁰

E. Federally-Designated Organ Procurement Organizations

Organ Procurement Organizations (OPOs): An OPO is an organization that "performs or coordinates the procurement, preservation, and transport of organs and maintains a system for locating prospective beneficiaries for available organs."²¹

In the United States there are 58 federally-designated OPOs. Pennsylvania is served by two - the Center for Organ Recovery & Education (CORE) and Gift of Life Donor Program (GLDP). OPOs have two major roles:²²

1. Increasing the number of registered donors: OPOs reach out to individuals, families, communities, and professionals through education and public awareness campaigns. The goal is to encourage people to register as donors.

¹⁹ The amount designated by an individual on the state individual tax return form is to be deducted from the tax refund to which the individual is entitled and does not constitute a charge against the income tax revenues due to the Commonwealth.

²⁰ See Act 1994-102, and Act 2018-90.

²¹ Title 42 - Public Health Chapter IV -Centers for Medicare & Medicaid Services, Department of Health and Human Services, Subchapter G - Standards and Certification part 486 - Conditions for Coverage of Specialized Services Furnished by Suppliers; Subpart G - Requirements for Certification and Designation and Conditions for Coverage: Organ Procurement Organizations, Section 486.302 - Definitions.

²² Pennsylvania Department of Health - Organ Tissue and Donation Awareness Program, Annual Report, 2018-19.

2. Coordinating the donation process: When donors become available, representatives from the OPO will evaluate the potential donors, check the deceased's state donor registry, discuss donation with family members, contact the Organ Procurement and Transplantation Network (OPTN)²³ computer system that matches donors and recipients, obtain a match list for that specific donor, and arrange for the recovery and transport of donated organs. These representatives also provide bereavement support for donor families and volunteer opportunities for interested individuals.

A contract is held between DOH and the Commonwealth's two OPOs for a three-year period. Both, CORE and GLDP "work in concert, with the advice and recommendations of the Organ Donation Advisory Committee (ODAC) and with the approval of the Department of Health to jointly select one sub grantee to design the statewide public awareness campaign..."²⁴ The statewide public awareness campaign's objective is to increase the number of donor designations to a pre-determined goal set by DOH over the three-year grant agreement period.²⁵ The increase is measured based on the number of individuals designated as "organ donor" on their license or identification card, as documented by PennDOT in its most recent statistical report prior to the start of the grant."²⁶

In addition, both CORE and GLDP partner with DOH to provide grief counseling to families of deceased donors in Pennsylvania.

Center for Organ Recovery and Education (CORE): CORE is a federally designated not-for-profit, OPO.²⁷ CORE services western Pennsylvania, part of West Virginia, and Chemung County, New York. CORE's coverage region includes 150 acute care hospitals, 7 transplant centers, and nearly six million people. CORE's Pennsylvania service area includes 31 counties serving approximately 4 million people.²⁸ See Exhibit 3 for CORE's list of counties served, transplant centers served, and tissue and eye procurement providers.

²³ Organ Procurement and Transplantation Network (OPTN) is a unique public-private partnership that links all professionals involved in the U.S. donation and transplantation system. United Network for Organ Sharing (UNOS) serves as the OPTN under contract with the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (DHHS), <<https://optn.transplant.hrsa.gov/governance/about-the-optn/>>.

²⁴ Pennsylvania Department of Health Grant agreement with CORE and GLDP for fiscal years 2012-15, 2015-18, and 2018-21 contract periods.

²⁵ For contract review periods the goals were to increase the number of registered drivers designated for contract period(s): FY 2012-15 to 48% of registered drivers; FY 2015-18 by 180,000; and FY 2018-21 by 225,000.

²⁶ Pennsylvania Department of Health grant agreement with CORE and GLDP for fiscal years 2012-15, 2015-18, and 2018-21 contract periods.

²⁷ Center for Organ Recovery and Education (CORE), 2020 Media Kit - <www.core.org/about-us/newsroom/media-kit/>.

²⁸ Pennsylvania Department of Health - Organ Tissue and Donation Awareness Program, Annual Report, 2018-19.

CORE works closely with donor families and designated healthcare professionals to coordinate surgical recovery and computerized matching of organs, tissue, and corneas for transplantation.

Exhibit 3

**Service Area Information for the
Center for Organ Recovery and Education (CORE)**
(Pennsylvania Population Served: 4 million)

<p>Pennsylvania Counties Served (31)</p> <p>Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, Westmoreland</p>
<p style="text-align: center;">Pennsylvania Organ Transplant Centers Served:</p> <ol style="list-style-type: none"> 1. Allegheny General Hospital, Pittsburgh, PA 2. UPMC Children’s Hospital of Pittsburgh, Pittsburgh, PA 3. University of Pittsburgh Medical Center Hamot, Erie, PA 4. University of Pittsburgh Medical Center Presbyterian, Pittsburgh, PA 5. Veterans Administration Medical Center, Pittsburgh, PA
<p style="text-align: center;">Pennsylvania Tissue Procurement Providers:</p> <ol style="list-style-type: none"> 1. Center for Organ Recovery & Education (CORE)
<p style="text-align: center;">Pennsylvania Eye Procurement Providers:</p> <ol style="list-style-type: none"> 1. Center for Organ Recovery & Education (CORE) 2. Lions Eye Bank of Northwestern Pennsylvania

Source: DOH - Organ Tissue and Donation Awareness Program, Annual Report, 2018-19.

Gift of Life Donor Program (GLDP): GLDP is a federally-designated not-for-profit, Organ Procurement Organization (OPO). GLDP’s coverage region includes 128 acute-care hospitals and 15 transplant centers across Delaware, southern New Jersey, and Eastern Pennsylvania.²⁹ GLDP’s Pennsylvania service area includes 36 counties serving over 11 million people.³⁰ See Exhibit 4 for GLDP’s list of counties served, transplant centers served, and tissue and eye procurement providers.

For the 12th consecutive year GLDP is the leading OPO in coordinating the most life-saving organs for transplant among all 58 OPOs in the United States.³¹

²⁹ <www.donors1.org/about-gift-of-life/newsroom/>

³⁰ Pennsylvania Department of Health - Organ Tissue and Donation Awareness Program, Annual Report, 2018-19.

³¹ <<https://www.prnewswire.com/news-releases/12th-consecutive-year-leading-united-states-in-organ-donation-for-gift-of-life-donor-program-300981089.html>>

Exhibit 4

**Service Area Information for the
 Gift of Life Donor Program (GLDP)**
 (Pennsylvania Population Served: 11.8 million)

<u>Pennsylvania Counties Served (35)</u>		
Adams, Berks, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York		
Pennsylvania Organ Transplant Centers Served:		
<ol style="list-style-type: none"> 1. Albert Einstein Medical Center, Philadelphia, PA 2. Children’s Hospital of Philadelphia, Philadelphia, PA 3. Geisinger Medical Center, Danville, PA 4. University of Pennsylvania Medical Center, Philadelphia, PA 5. UPMC Harrisburg, Harrisburg, PA 6. St. Christopher’s Hospital for Children, Philadelphia, PA 7. Temple University Hospital, Philadelphia, PA 8. Penn State Hershey Medical Center, Hershey, PA 9. The Lankenau Hospital, Philadelphia, PA 10. Lehigh Valley Hospital, Allentown, PA 11. Crozer-Chester Medical Center, Upland, PA 12. Thomas Jefferson University Hospital, Philadelphia, PA 		
Pennsylvania Tissue Procurement Providers:		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> 1. Gift of Life Donor Program 2. Community Tissue Services 3. Cryolife, Inc. </td> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> 4. LifeNet Transplant Services 6. Musculoskeletal Transplant Foundation 7. National Disease Research Interchange </td> </tr> </table>	<ol style="list-style-type: none"> 1. Gift of Life Donor Program 2. Community Tissue Services 3. Cryolife, Inc. 	<ol style="list-style-type: none"> 4. LifeNet Transplant Services 6. Musculoskeletal Transplant Foundation 7. National Disease Research Interchange
<ol style="list-style-type: none"> 1. Gift of Life Donor Program 2. Community Tissue Services 3. Cryolife, Inc. 	<ol style="list-style-type: none"> 4. LifeNet Transplant Services 6. Musculoskeletal Transplant Foundation 7. National Disease Research Interchange 	
Pennsylvania Eye Procurement Providers:		
<ol style="list-style-type: none"> 1. Gift of Life Donor Program 2. Lions Eye Bank of Delaware Valley 3. SightLife 		

Source: DOH - Organ Tissue and Donation Awareness Program, Annual Report, 2018-19.

Both OPOs collectively secure a designated sub-grantee with the advice and recommendation of the ODAC and approval of from the DOH, to execute the Commonwealth’s organ donor awareness campaigns. The

overall goal of the campaigns is to "provide citizens with current and accurate information about the organ and tissue donation process and the benefits of organ and tissue donation, and to encourage the completion of a legal instrument (driver's license, state photo ID, living will) designating themselves as organ and tissue donors with the commitment to donate at the time of death."³²

³² Pennsylvania Department of Health grant agreement with CORE and GLDP for fiscal years 2012-15, 2015-18, and 2018-21 contract periods.

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SECTION III GRANT AGREEMENT COMPLIANCE



Fast Facts...

- ❖ *Due to funding constraints there has not been a program administrator for the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund since September 2018.*
- ❖ *The Trust Fund is a collaborative effort between state government, the Organ Donation Advisory Committee, Organ Procurement Organizations, sub-grantees, and other stakeholders.*
- ❖ *Overall, grantees and sub-grantees were in compliance with grant agreements, but several grant conditions could be improved or updated.*

Overview

As discussed in the background section of this report, the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund (Trust Fund) does not use any Commonwealth funding sources, such as tax dollars, and instead relies on voluntary donations. This is an important distinction to remember when considering what the Trust Fund and parties acting on the Trust Fund's behalf can accomplish with the resources available. Compliance is a key test in holding the Trust Fund accountable to individuals who made donations (see Appendix B for list of grant agreement requirements tested).

We found:

1. Overall there was a coordinated effort in the oversight of the Trust Fund's mission, along with the oversight of grantees and sub-grantees.
2. Areas for future improvement needed as we reviewed past compliance with grant agreements.

We recommend:

1. Pennsylvania Department of Health should alter future grant agreements to better align with the Trust Fund's goals, needs, and resources.

Issue Areas

A. Oversight

Pennsylvania Department of Health (DOH). While the Trust Fund is a collaborative effort among many parties, in state government, administering it falls under the umbrella of DOH. Previously there was a DOH program administrator assigned solely to the Trust Fund, however, due to budgetary constraints there has been a vacancy in this position since September 2018. At the time of our study the Director of the Division of Nutrition and Physical Activity and an administrative assistant from the

division oversee DOH's role in the Trust Fund, despite these individuals having other duties within DOH.

Organ Donation Advisory Committee (ODAC). ODAC is tasked with overseeing the Organ and Tissue Donor Awareness Program (OTDAP) by carrying out the following tasks:

- Reviews progress in the area of organ and tissue donation.
- Recommends legislation and priorities for expenditures of the Trust Fund.
- Provides education and awareness programs.
- Reports to the General Assembly at the end of each legislative session.³³

We reviewed meeting minutes from ODAC for our study review period. Exhibit 5 shows the number of meetings held in each year.³⁴

Exhibit 5

Organ Donation Advisory Committee Number of Meetings

Year	# of Meetings
2013	1
2014	3
2015	2
2016	3
2017	3
2018	4
2019	4
2020	3

Source: LBFC staff from information provided by DOH.

Based on our review of the meeting minutes, it appears ODAC played an active role in the oversight of the Trust Fund. It also appears that ODAC included a variety of stakeholders, along with grantees and sub-grantees, participating in meetings and providing input into decision making.

Organ Procurement Organizations (OPOs). Pennsylvania has two contracted Organ Procurement Organizations, the Center for Organ Recov-

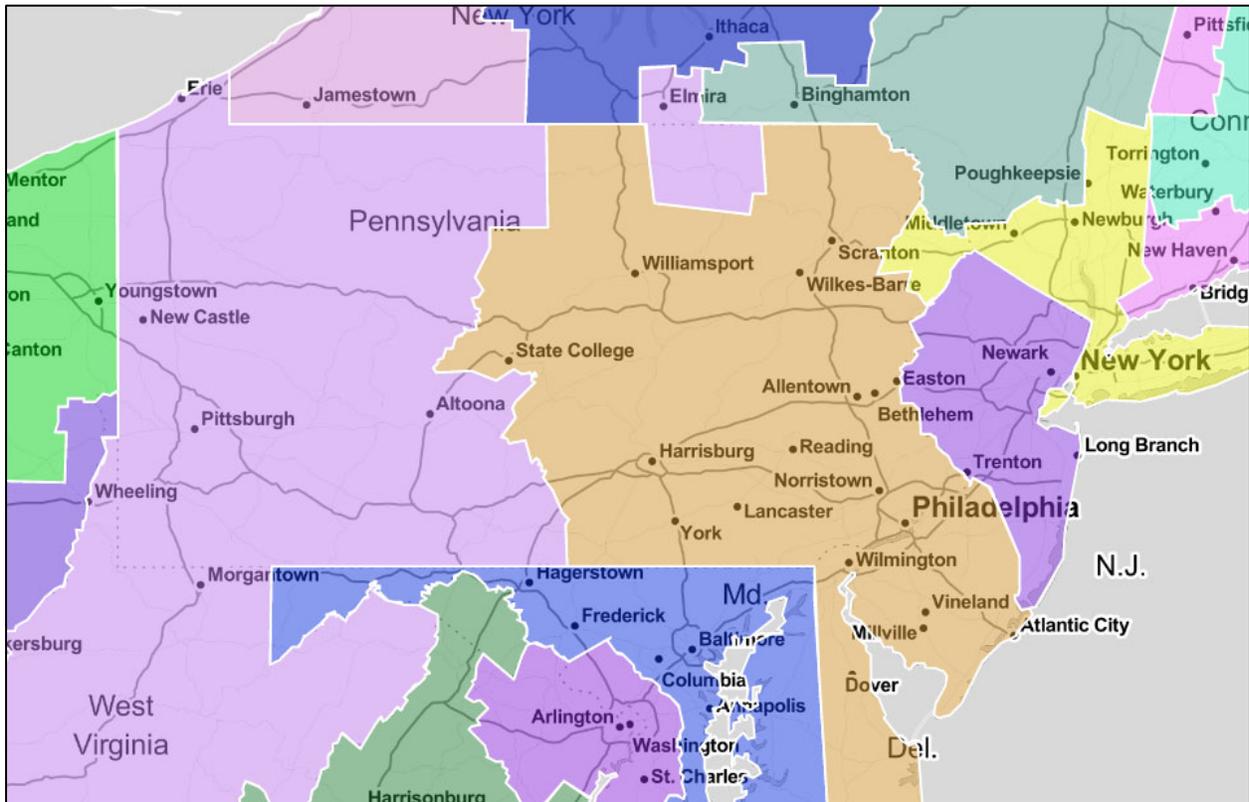
³³ Donate Life Pennsylvania. About Us, About the Organ Donation Advisory Committee. <https://donatelifepea.org/information/about-us/>.

³⁴ We did not count meetings that were scheduled but ultimately did not occur because of weather or more recently, the COVID-19 pandemic.

ery and Education, headquartered in Pittsburgh, which covers the western area of the Commonwealth and Bradford County (shown in purple in Exhibit 6). The Gift of Life Donor Program headquartered in Philadelphia, covers the eastern area of the Commonwealth (shown in orange in Exhibit 6).

Exhibit 6

Organ Procurement Organizations Map



Source: Scientific Registry of Transplant Recipients.

The Trust Fund contributions are used by the OPOs to “educate Pennsylvanians, build awareness about the importance of organ and tissue donations, and increase the number of people who sign up to become donors on their driver’s license, learner’s permit or state identification card.”³⁵ While the OPOs have differing service areas, the grant agreement specifically requires them to work jointly and with the same sub-grantee providing organ and tissue donation marketing across the Commonwealth.

³⁵ <https://donatelifepa.org/information/about-us/>

Media Agency. A media agency is selected every three years to work with the OPOs to provide organ and tissue donation awareness advertising services throughout Pennsylvania. Media agencies go through a competitive bid process as required by the Commonwealth's procurement process. The media agency is then the sub-grantee under the OPO grant agreements.

B. Compliance

As previously mentioned, OPOs are contracted by DOH. Grant agreements are signed on a three year basis with one advertising agency selected through a competitive bidding process for each new contract period. We reviewed a total of six agreements, three for each OPO for the periods (1) FYs 2012-2015; (2) FYs 2015-2018; and (3) FYs 2018-2021 (test work was completed October 2020, therefore, our review did not include the full agreement period through June 30, 2021). Overall we found that grantees and sub-grantees under the program were meeting the terms and conditions of their grant agreements. It appears the OPOs and sub-contractors worked in concert to promote organ and tissue donation awareness.

We did find a few provisions of the agreements were not met and/or DOH was not able to provide documentation indicating those particular conditions were met. These conditions are:

Donor Designations Statewide. The total number of organ donation designations increased over our review period. However, as discussed in Section IV, designation goal rates were not always achieved.

Targeting Low Designation Counties. There was no documentation showing the ten counties (five in each OPO service area) with the lowest donor designations were targeted as required by the agreement. DOH stated this is likely because the lowest performing counties, and/or counties that lacked media coverage, were not necessarily the priority and instead areas may be identified for localized advertising that overall have a bigger impact. This thought seems to be in line with the media agency reports that specifically showed targeting of more populous areas. However, the grant agreement states that the lowest five designation counties are required to be targeted, particularly with pre-produced public affairs talk shows, and there is no documentation this occurred.

Workplace Partners. There was no documentation showing finalized workplace partners were selected, including online advertisements used on the websites of the partners, hospitals, and transplant centers, and by the media that link users directly to the Donate Life PA Website. Through

ODAC meeting minutes and other documents we reviewed, workplace partners were identified and discussed, however, there was no documentation showing the partnerships actually took place or the outcomes of such partnerships.

Possible Outdated Sections. We found three provisions of the agreements related to the Pennsylvania Department of Transportation (PennDOT) that were not completed (and/or documentation did not exist) and seemed to be outdated at the time of the grant agreement based on expectations and practices of ODAC and DOH. This suggests that going forward DOH should ensure there is a review of the agreement to update its terms prior to acceptance. For the agreements we reviewed, this included a requirement to review the number of new designations in targeted PennDOT field offices compared to projections. These projections did not exist. There was also a requirement for the grantees/sub-grantee to track and inventory PennDOT campaign materials, however, DOH stated PennDOT manages their own stock of materials. Additionally there was an agreement statement regarding targeting PennDOT field offices with specialized campaigns. There was no documentation this occurred, and according to DOH, this was due to the activity not being permitted by PennDOT. These specific provisions related to PennDOT were removed after FY 2015-16, however, DOH should have better coordinated with its partners at PennDOT prior to signing the FYs 2012-15 grant agreement to know if it was even possible for grantees to complete the provisions.

While the agreements contained some requirements regarding social media, we were surprised to see a focus on more traditional advertising (radio, print newspaper, television, etc.). While the media agencies did use traditional advertising per the grant agreements, there was a significant focus on social media in reality, particularly targeting younger Pennsylvanians. Going forward it may be more beneficial to emphasize social media and online advertising in the agreements, especially given the uncertainties with funding and lower expenses associated with new media sources.

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SECTION IV ORGAN DONOR DESIGNATIONS



Fast Facts...

- ❖ *Donate Life Pennsylvania is the statewide public awareness campaign for organ donation education and awareness.*
- ❖ *As of October 18, 2020, over 7,000 Pennsylvanians are on the state's transplant waiting list.*
- ❖ *Pennsylvania's Organ Donor Designation rate is 49.6 percent as of June 30, 2020.*
- ❖ *ODAC's (FYs 2016-21) strategic plan goal is to increase the organ donor designation rate to 52 percent by December 31, 2021.*

A. Donate Life Pennsylvania (DLPA)

Donate Life Pennsylvania (DLPA) is a collaborative initiative between the Center for Organ Recovery and Education (CORE), Gift of Life Donor Program (GOL), and the Pennsylvania Departments of Health (DOH) and Transportation (PennDOT).³⁶ CORE and GOL, with the advice and recommendations of the Organ Donation Advisory Committee (ODAC) and with the approval of the DOH, jointly select one sub-grantee to design the statewide public awareness campaign.³⁷ The campaign's objective is to increase the number of registered drivers designated as an Organ Donor on their license.^{38,39} Through education and awareness, the campaign works to increase the number of Pennsylvanians who are registered organ and tissue donors.

We found:

- Statewide public awareness campaign efforts have continued to increase the number of organ donor designations in the Commonwealth.
- The organ donor designation goal for the FYs 2012-15 grant agreement period was not reached.
- Donate Life America (DLA) data indicates of the 37 states that submitted their donor designation rates, 20 had a higher rate than Pennsylvania's 46 percent, and only 16 had a lower donor designation rate in 2012.
- In 2019, Pennsylvania had the 12th lowest donor designation rate out of the 39 states reporting, at 48 percent, according to DLA's 2019 National Donor Designation Report Card.
- As of June 30, 2020 the state's donor designation rate is 49.6 percent.

The sections that follow provide a brief overview of current transplant registrations, the transplant waiting list and the results of the statewide public awareness campaign's goal to increase the number of people who have designated Organ Donor on their driver's licenses and/or identification cards.

³⁶ <www.donatelifepa.org>

³⁷ Pennsylvania Department of Health grant agreement(s), with CORE and GOL for fiscal years 2012-15, 2015-18, and 2018-21 grant agreement periods.

³⁸ *Ibid.*

³⁹ Includes State identification card holders.

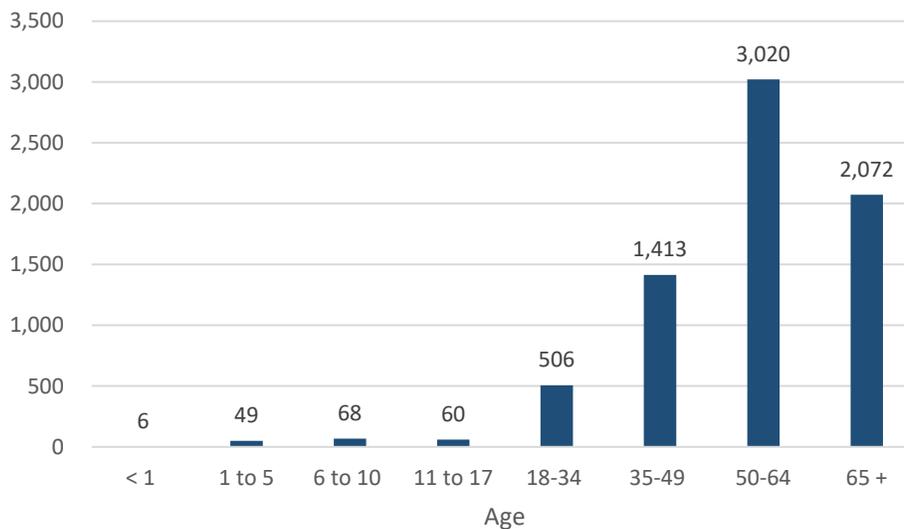
B. Organ and Tissue Donation

One donor can donate up to eight life-saving organs and help more than 75 people.⁴⁰ According to the Federal Department of Health and Human Services (DHHS), Health Resources and Services Administration (HRSA), the number of people requiring a lifesaving transplant continues to rise faster than the number of available organs. In the United States, there are currently over 109,000 men, women, and children on the national transplant waiting list.⁴¹

Over 7,000 Pennsylvanians are currently on the transplant waiting list.⁴² Exhibit 7 and 8 show waiting list registrations by age and waiting time on the list.^{43,44}

Exhibit 7

Waiting List Registrations, Pennsylvania (As of October 2020)



Source: Developed by LBFC staff using data from the OPTN.

⁴⁰ Heart, (2) lungs, liver, pancreas, (2) kidneys, and intestines, <www.donatelifepa.org>.

⁴¹ <www.organdonor.gov/about/facts-terms/donation-faqs.html> As of September 2020.

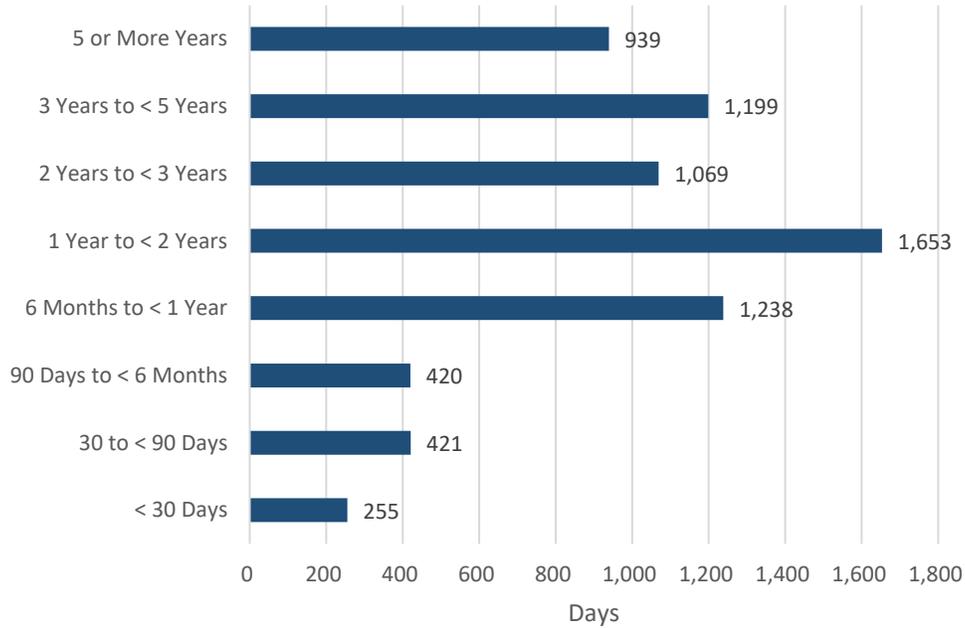
⁴² Organ Procurement and Transplantation Network (OPTN) data as of October 18, 2020, organ by age, current U.S. waiting list – State of Pennsylvania. <<https://optn.transplant.hrsa.gov>>

⁴³ Organ Procurement and Transplantation Network (OPTN) data as of October 18, 2020, all organs by age and waiting time by age, current U.S. waiting list – State of Pennsylvania. <<https://optn.transplant.hrsa.gov>>

⁴⁴ Registrations - A patient who is waiting at more than one center, or for multiple organs, would have multiple registrations. Waiting List – A national database maintained by the OPTN of all patients waiting for an organ transplant. It is made up of sub lists of patients waiting for specific organs.

Exhibit 8

**Waiting List Registrations, Pennsylvania
(As of October 2020)**



Source: Developed by LBFC staff using data from the OPTN.

Seventy-one percent of Pennsylvanians on the state's waiting list are 50 years of age or older; and more than half have been on the waiting list for one year or more.

The sections that follow highlight the statewide results as they relate to the campaign's ability to increase the total number of Pennsylvanian's who designate organ donor on their driver's license and/or identification cards.

C. Designations

Donate Life America (DLA). DLA is the lead organization for the Donate Life State Teams, which manages and promotes Donate LifeSM, the national brand for the cause of donation.⁴⁵ DLA's mission is to "increase the number of donated organs, eyes, and tissues available to save and heal lives through transplantation while developing a culture where donation is embraced as a fundamental human responsibility."⁴⁶

In DLA's annual reports, donor designation data is presented for each of the 50 states, Puerto Rico, and the District of Columbia.^{47,48} The donor designation report card provides a summary of each state's donor designation rate, where available. Exhibits 9 and 10 show each state's donor designation rate for 2012 and 2019.

⁴⁵ <<https://www.donatelife.net/mission-vision/>>

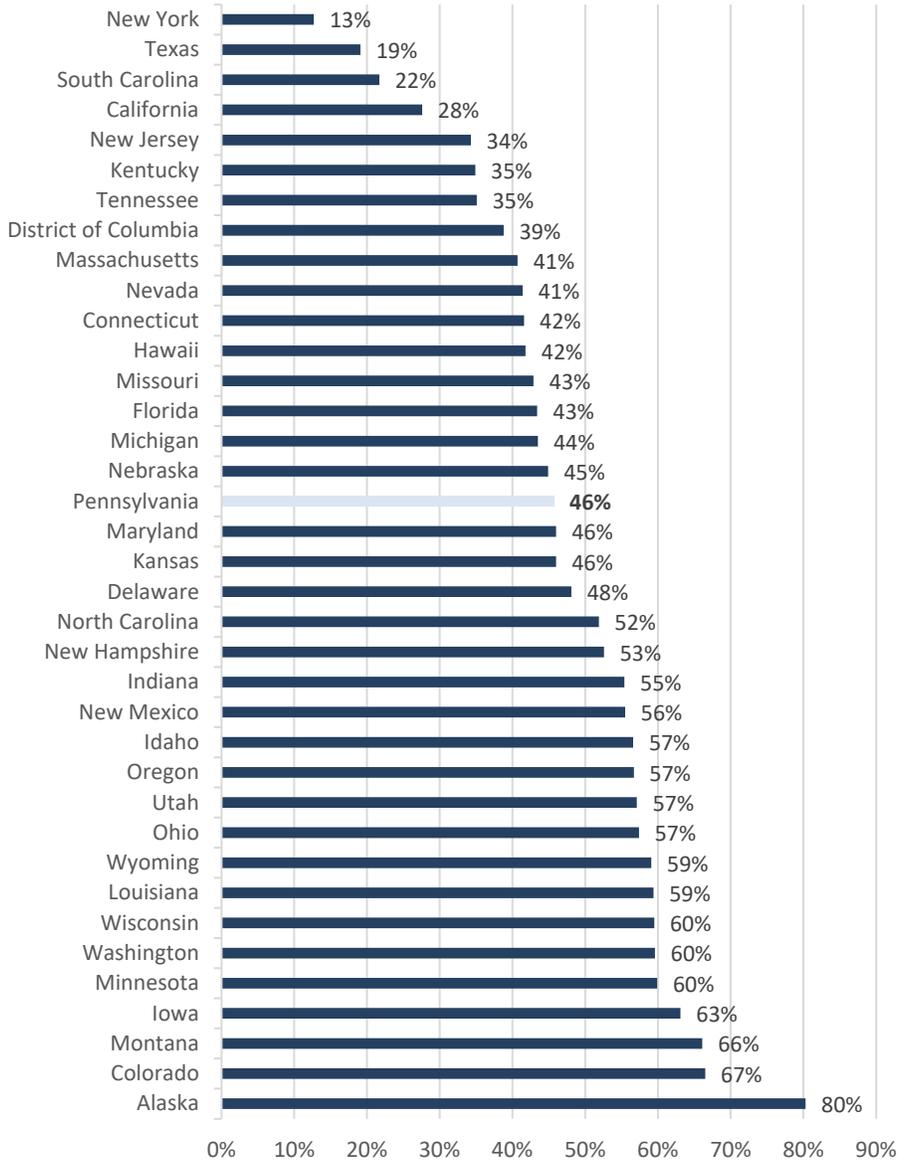
⁴⁶ *Ibid.*

⁴⁷ Donate Life America (2013) National Donor Designation Report Card

⁴⁸ Donate Life America (2019) Annual Update, including the 2019 Donor Designation Report Card,), most recent data reports as of August 2019.

Exhibit 9

**Donate Life America
 State Donor Designation Rate (DDR) ^{a/}
 (2012)**



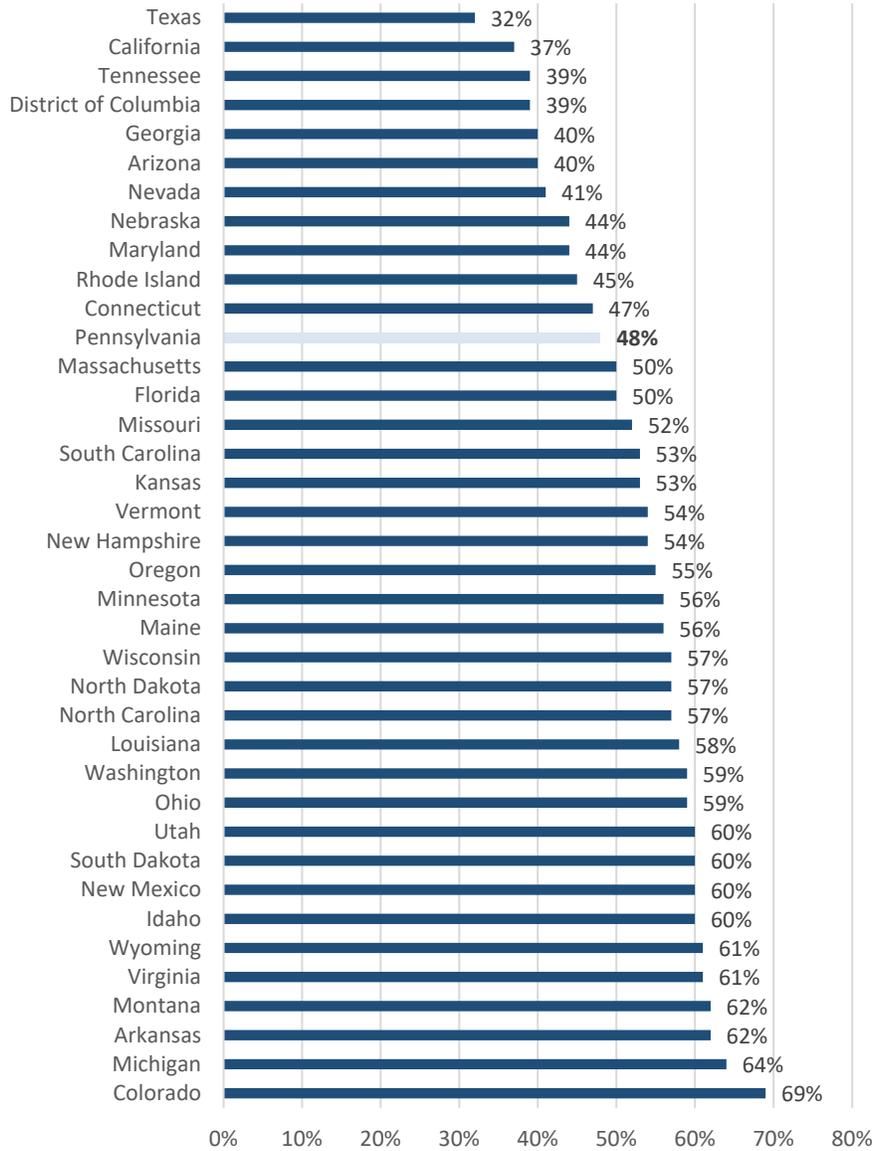
Note:

^{a/}State donor designation rate not available for: Alabama, Arizona, Arkansas, Georgia, Illinois, Maine, Mississippi, North Dakota, Oklahoma, Puerto Rico, Rhode Island, South Dakota, Vermont, Virginia, and West Virginia.

Source: Developed by LBFC staff using data from Donate Life America.

Exhibit 10

**Donate Life America
State Donor Designation Rate (DDR) ^{a/}
(2019)**



Note:

^{a/} State donor designation rates not available for: Alabama, Alaska, Delaware, Hawaii, Illinois, Indiana, Iowa, Kentucky, Mississippi, New Jersey, New York, Oklahoma, Puerto Rico, and West Virginia.

Source: Developed by LBFC staff using data from the Donate Life America.

In 2012, DLA data indicates of the 36 states and the District of Columbia that submitted their donor designation rates, 20 had a higher rate than Pennsylvania’s 46 percent and only 16 had a lower donor designation rate.⁴⁹ In 2019, DLA data indicates, of the 38 states and the District of Columbia submitting their donor designation rates, 27 had a higher rate than Pennsylvania’s 48 percent and only 11 had a lower donor designation rate.⁵⁰

Statewide Organ Donor Designations. The statewide organ donor designation rate is calculated using the total number of individuals who have made an organ donor designation, divided by the total number of driver’s license and identification card holders within the state. The grant agreement period(s) reviewed were fiscal years: 2012-15, 2015-18, and 2018-21.⁵¹ Exhibit 11 provides a breakdown by fiscal year of the total number of driver’s license and identification card holders, total number of organ donor designations, percent change in the number of designations, the total number of new organ donor designations, and the state’s donor designation rate.

Exhibit 11

**Pennsylvania
Organ Donor Designations**

Fiscal Year	Total License and ID Cards	Organ Donor Designation	Percent Change	New Organ Donor Designations	Donor Designation Rate
2011-12	9,816,841	4,462,941	-	-	45.46%
2012-13	9,852,398	4,512,705	1.1%	49,764	45.80%
2013-14	9,887,244	4,560,232	1.1%	47,527	46.12%
2014-15	9,908,215	4,598,785	0.8%	38,553	46.41%
2015-16	9,974,084	4,685,005	1.9%	86,220	46.97%
2016-17	9,938,041	4,747,199	1.3%	62,194	47.77%
2017-18	9,967,206	4,826,120	1.7%	78,921	48.42%
2018-19	9,988,466	4,915,601	1.9%	89,481	49.21%
2019-20	9,957,554	4,940,650	0.5%	25,049	49.62%

Source: Developed by LBFC staff using data from the Pennsylvania Department of Transportation.

⁴⁹ Donate Life America (2012) National Donor Designation Report Card. Fourth quarter date of calendar year 2012.

⁵⁰ Donate Life America (2019) Annual Update, including the 2019 Donor Designation Report Card data as of August 2019.

⁵¹ The current grant agreement period FYs 2018-21 is in progress and our analysis is through the 2019-20 fiscal year.

There was an increase in the number of individuals that have designated organ donor on their driver’s license and/or identification card in each fiscal year.

In addition, we reviewed the campaign goal for each of the grant agreement periods to determine if the target number of new donor designations was reached. Exhibit 12 highlights each of the grant agreements three-year campaign goals.

Exhibit 12

Statewide Public Awareness Campaign

Grant Agreement Period Fiscal Years	Goal New Organ Donor Designations ^{a/}	Actual New Organ Donor Designations	% of Goal ^{b/}	Goal Reached Y/N	Difference
2012-15	249,143	135,844	54.5%	N	-113,299
2015-18	180,000	227,335	126%	Y	+47,335
2018-21	225,000	114,530	50.9%	-	-

Note:

^{a/} Pennsylvania Department of Health grant agreement with CORE and GOL for fiscal years 2012-15 – 45.29% are designated as of September 1, 2011, with the goal to increase the number of registered designated drivers to 48%. The increase was calculated by LBFC as of June 30, 2012.

^{b/}As of June 2020, a total of 114,530 new donor designations were reached, which represents 50.9 percent of the campaign’s total goal.

Source: Developed by LBFC staff using data from the Pennsylvania Department of Transportation.

The new organ donor designation goal for the FYs 2012-15 grant agreement period was not reached. Although the number of designations increased by 135,844, it fell short of the campaign goal by 113,299. During the FYs 2015-18 grant agreement period the campaign goal was exceeded by an additional 47,335 new donor designations. Lastly, for the current FYs 2018-21 grant agreement period, as of June 30, 2020, a total of 114,530 new donor designations has been reached, which represents 50.9 percent of the campaign’s total goal.⁵²

In ODAC’S strategic plan for FYs 2016-20, one of the committee’s key goals is to increase the donor designation rate in Pennsylvania to 52 percent by December 31, 2021. Statewide, as of June 30, 2020, 49.6 percent of all registered driver’s license and identification card holders have made the designation of organ donor.

⁵² Grant agreement FYs 2018-21 most recent available PennDOT statistical report used through June 30, 2020.

Regions. CORE and GOL organ donor designation data was reviewed by region. Exhibit 13 and 14 show by fiscal year the total number of driver’s license and ID card holders, total number of organ donor designations, percent change in the number of designations, the total number of new organ donor designations, and the region’s donor designation rate.

Exhibit 13

**CORE
Western Region**

Fiscal Year	Total License and ID Cards	Organ Donor Designation	Percent Change	New Organ Donor Designations	Donor Designation Rate
2011-12	3,206,462	1,461,605	-	-	45.58%
2012-13	3,208,062	1,477,658	1.1%	16,053	46.06%
2013-14	3,210,541	1,495,614	1.2%	17,956	46.58%
2014-15	3,205,100	1,505,640	0.7%	10,026	46.98%
2015-16	3,208,949	1,535,501	2.0%	29,861	47.85%
2016-17	3,176,644	1,555,225	1.3%	19,724	48.96%
2017-18	3,167,269	1,579,505	1.6%	24,280	49.87%
2018-19	3,154,657	1,608,941	1.9%	29,436	51.00%
2019-20	3,131,658	1,616,495	0.5%	7,554	51.62%

Source: Developed by LBFC staff using data from the Pennsylvania Department of Transportation.

Exhibit 14

**GOL
Eastern Region**

Fiscal Year	Total License and ID Cards	Organ Donor Designation	Percent Change	New Organ Donor Designations	Donor Designation Rate
2011-12	6,569,829	3,001,336	-	-	45.58%
2012-13	6,644,336	3,035,047	1.1%	33,711	45.68%
2013-14	6,676,703	3,064,618	1.0%	29,571	45.90%
2014-15	6,703,115	3,093,145	0.9%	28,527	46.14%
2015-16	6,765,135	3,149,504	1.8%	56,359	46.55%
2016-17	6,761,397	3,191,974	1.3%	42,470	47.21%
2017-18	6,799,937	3,246,615	1.7%	54,641	47.74%
2018-19	6,833,809	3,306,660	1.8%	60,045	48.39%
2019-20	6,825,796	3,324,155	0.5%	17,495	48.70%

Source: Developed by LBFC staff using data from the Pennsylvania Department of Transportation.

Over 50 percent of all driver’s license and identification card holders reside in the Eastern region. As of FY 2019-20, the organ donor designation rate within CORE’s Western region was 51.6 percent, and within GOL’s Eastern region it was 48.7 percent.

Overall, the number of organ donor designations among registered driver’s license and identification card holders in Pennsylvania continued to increase during the review period.

SECTION V TRUST FUND FISCAL CONDITION



Fast Facts...

- ❖ *The overall fiscal condition of the Trust Fund is a concern.*
- ❖ *Revenues, adjusted for inflation, have remained relatively flat while expenditures have tended to increase.*
- ❖ *Expenditures exceeded revenues in the first four fiscal years of our review.*

Overview

As noted earlier, the Department of Health (DOH) oversees the administration of the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund (Trust Fund). The Trust Fund receives its revenue solely from voluntary contributions made at the time of driver's license and vehicle registration renewals.

This section provides an overview of the fiscal condition of the Trust Fund for the period FY 2014-15 through FY 2018-19 (See Appendix C for a Trust Fund statement of revenues and expenditures). Our review includes past present, and projected revenues, expenditures, and fund balances.

Issue Areas

A. Fiscal Condition

To measure the fiscal condition of the Trust Fund, we chose seven financial indicators based on the availability of data and their appropriateness for the Fund. The indicators are grouped into three areas – revenues, expenditures, and operating position.

The categories, financial indicators, and trends are highlighted in Exhibit 15.

Exhibit 15

Financial Indicators

Category	Financial Indicator	Trend
Revenues	Revenues per Capita	Warning
	Actual vs. Budgeted	Warning
	Revenues vs. Expenditures	Caution
Expenditures	Expenditures per Capita	Caution
	Expenditures per New Designation	Caution
Operating	Fund Surplus/Deficit	Warning
	Fund Balance as a Percent of Expenditures	Caution

Source: Developed by LBFC staff from information provided by the Pennsylvania Department of Health.

Overall the fiscal condition of the Trust Fund is a concern. The data shows that revenues in constant dollars (adjusted for inflation) have remained relatively flat while expenditures have tended to increase. Until FY 2019-20, revenues per capita had been decreasing. Equally concerning is the Trust Fund’s ability to accurately project revenues. In three of seven fiscal years during our review, Actual vs. Budgeted revenues were off by more than 10 percent.

In the first four fiscal years of our review, expenditures exceeded revenues. While the Trust Fund made appropriate adjustments in year five of our review, the gap between revenues and expenditures has begun to narrow again. Expenditures per capita were maintained even as revenues declined. In FY 2018-19, the Trust Fund took appropriate measure to decrease spending, however, it appears the cuts to the outreach program resulted in a significant decline in the number of organ donor designations.

Finally, the Trust Fund relied on reserves to continue spending in FYs 2014-15 through 2017-18. The result is a significant depletion in cash reserves in the fund.

B. Revenues

Revenues determine The Trust Fund’s ability to spend the appropriate money necessary to meet its objectives. As noted earlier, the Trust Fund receives no funding from the Commonwealth’s General Fund. Revenues consist of donations made during driver’s license and vehicle registration renewals, and private and state income tax form donations. See Exhibit 16.

Exhibit 16

Trust Fund Revenues						
	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Driver’s License	\$238,547	\$262,889	\$259,562	\$264,983	\$258,926	\$293,082
Vehicle Registrations	496,368	512,741	494,437	438,975	412,560	638,611
Private Donations	50,495	5,247	2,042	1,559	685	2,379
Income Tax Forms	15,423	12,664	10,876	8,408	8,595	4,469
Interest	3,387	5,226	10,195	14,755	23,046	18,800
Total	\$804,220	\$798,767	\$777,112	\$728,680	\$703,812	\$957,341

Source: Developed by LBFC staff from information provided by the Pennsylvania Department of Health.

When required for analysis, adjusting for inflation converts current dollars into constant dollars. The conversion from current dollars to constant dollars allows for analysts to take into account the appearance of growth due to inflation. For this report, we used the Consumer Price Index (CPI) for goods and services used by average wage earners as our measure of inflation.

The conversion factor is equal to the 2014 CPI divided by the CPI of the next four years. We used the following formula to calculate constant dollars:

$$\text{Current Dollars} \times \frac{2014 \text{ CPI}}{\text{CPI}_{2014\dots 2019}}$$

Exhibit 17 shows the CPI conversion factor used for each year.

Exhibit 17

CPI Conversation Factor

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Consumer Price Index	252.121	253.132	257.486	262.224	267.166	271.316
Conversion Factor	1.000	0.996	0.979	0.961	0.944	0.929

Note:

^{a/}CPI for all items in Northeast urban, all urban consumers. Base Period: 1982-84 = 100.

Source: Developed by LBFC staff with information from the U.S. Department of Labor, Bureau of Labor Statistics.

Exhibit 18 shows the Trust Fund Revenues in Constant Dollars.

Exhibit 18

**Trust Fund Revenues
(Constant Dollars)**

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Driver's License	\$238,547	\$261,839	\$254,154	\$254,774	\$244,345	\$272,347
Vehicle Registrations	496,368	510,692	484,135	422,062	389,327	593,430
Private Donations	50,495	5,226	1,999	1,499	646	2,211
Income Tax Forms	15,423	12,613	10,649	8,084	8,111	4,153
Interest	3,387	5,205	9,983	14,187	21,748	17,470
Total	\$804,220	\$795,575	\$760,920	\$700,605	\$664,177	\$889,610

Source: Developed by LBFC staff from information provided by the Pennsylvania Department of Health.

Revenues per Capita

Revenues per capita illustrate how revenues change relative to the change in Pennsylvania's population over time, showing the ability of the Trust Fund to continue promoting organ donations in the Commonwealth. For example, if this category of revenues are decreasing, it could be expected the Trust Fund would have to cut back on the statewide information campaign – potentially leading to fewer people designating as Organ Donor on their driver's license.

Formula.

Revenues per Capita:

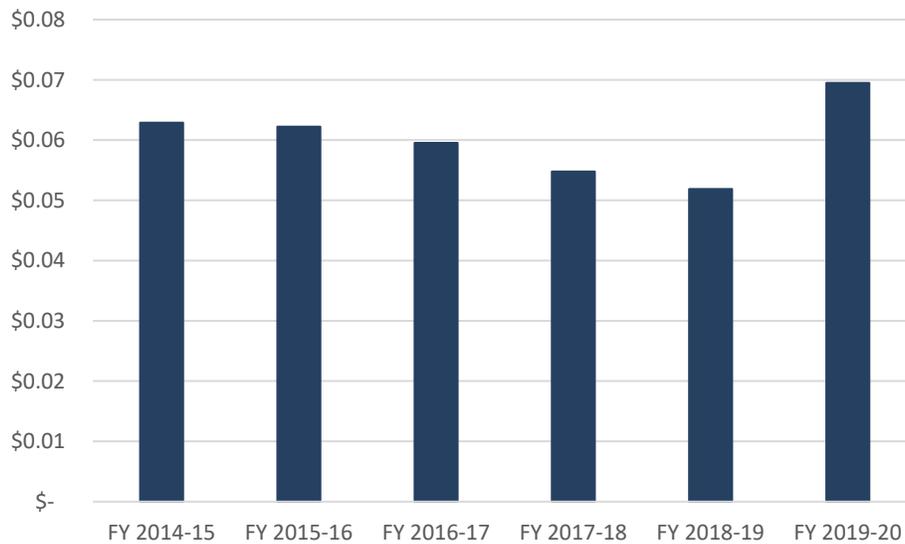
$$\frac{\text{Total Revenues}}{\text{Population of Pennsylvania}}$$

Trend. – Warning. Trust Fund revenues per capita have been decreasing, with the exception of FY 2019-20. However, one year does not

make a trend. We are concerned the Trust Fund will not be able to continue funding its mission without additional sources of revenue. Please see Exhibit 19.

Exhibit 19

**Revenues per Capita
(Constant Dollars)**



Source: Developed by LBFC staff from information provided by the Pennsylvania Department of Health.

Trust Fund Revenues: Actual vs. Budget

This indicator examines the differences between revenue estimates and revenues actually received by the Trust Fund. Major discrepancies in revenue estimates can be an indication of inaccurate estimating techniques, inefficient collection procedures, or a declining economy. Under estimating revenues may cause an entity to seek an increase in fees. Over estimating revenues can result in unnecessary constraints on critical components of the Trust Fund’s operations.

Formula.

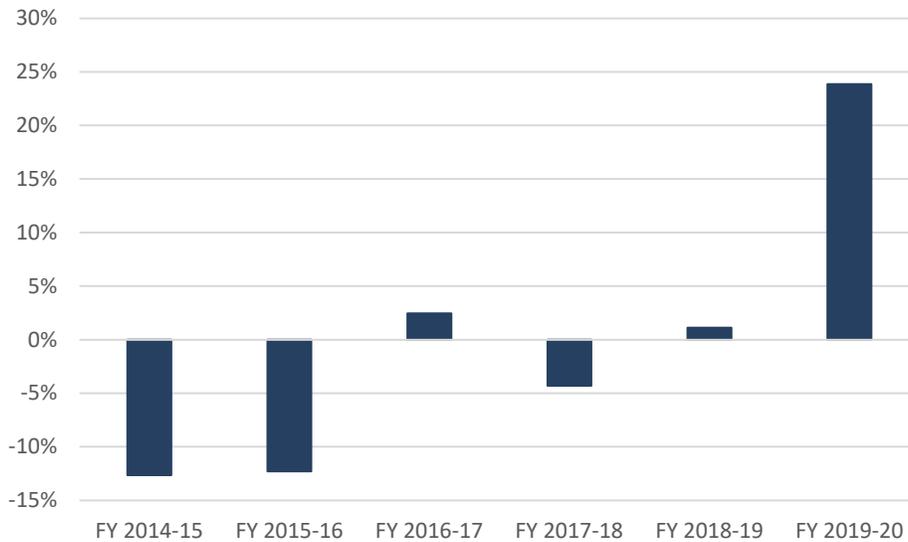
$$\frac{\text{Actual Revenues} - \text{Budgeted Revenues}}{\text{Actual Revenues}}$$

Trend – Warning. In three of six fiscal years, FY 2014-15, FY 2015-16, and FY 2019-20, budgeted Trust Fund revenues were off by

over 10 percent. In FY 2019-20, the revenue projection for the Trust Fund was off estimate by 20 percent. See Exhibit 20.

Exhibit 20

Trust Fund Revenues – Actual vs. Budget (Constant Dollars)



Source: Developed by LBFC staff with information provided by the Pennsylvania Department of Health and the Governor's Executive Budget FYs 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20.

Revenues vs. Expenditures

Revenues vs. Expenditures depicts how revenues and expenditures change over time relative to each other. In addition, if expenditures regularly exceed revenues, it will show that current expenditures cannot be sustained and will lead to the depletion of the fund in question.

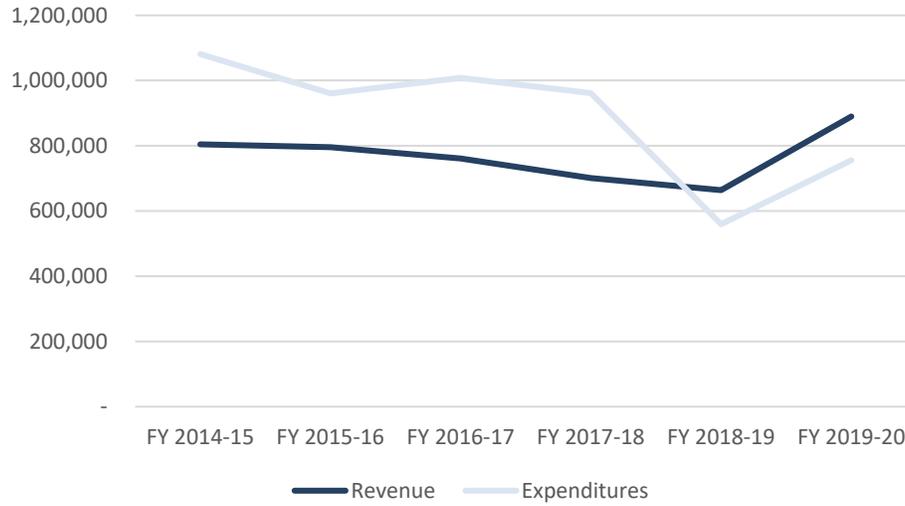
Formula.

$$Revenues_{(constant)} - Expenditures_{(constant)}$$

Trend – Caution. Expenditures exceeded revenues in every year of our review, except for FY 2018-19 and FY 2019-20. While the trend seems to have been reversed, the gap between revenues and expenditures needs to remain steady or increase. See Exhibits 21 and 22.

Exhibit 21

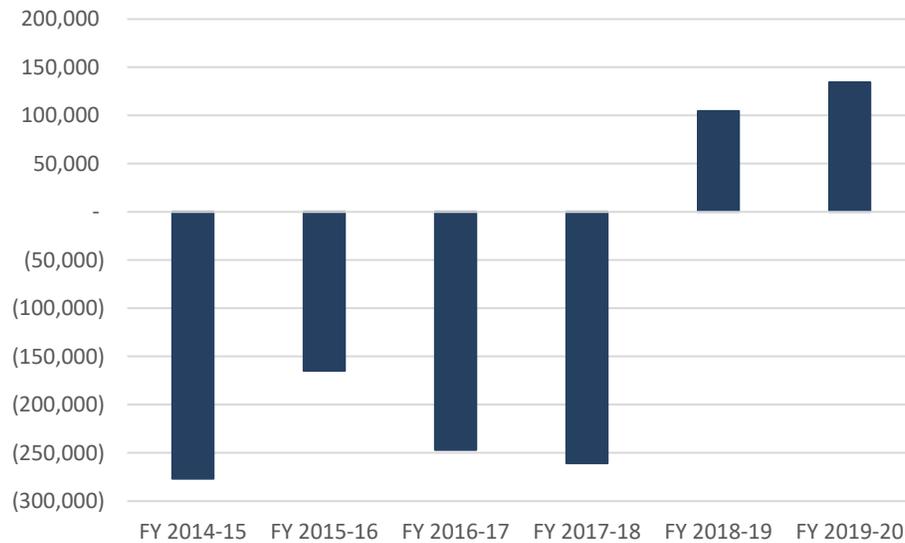
**Revenues vs. Expenditures
 (Constant Dollars)**



Source: Developed by LBFC staff with data provided by the Pennsylvania Department of Health.

Exhibit 22

**Revenue Surplus/(Deficit)
 (Constant Dollars)**



Source: Developed by LBFC staff with data provided by the Pennsylvania Department of Health.

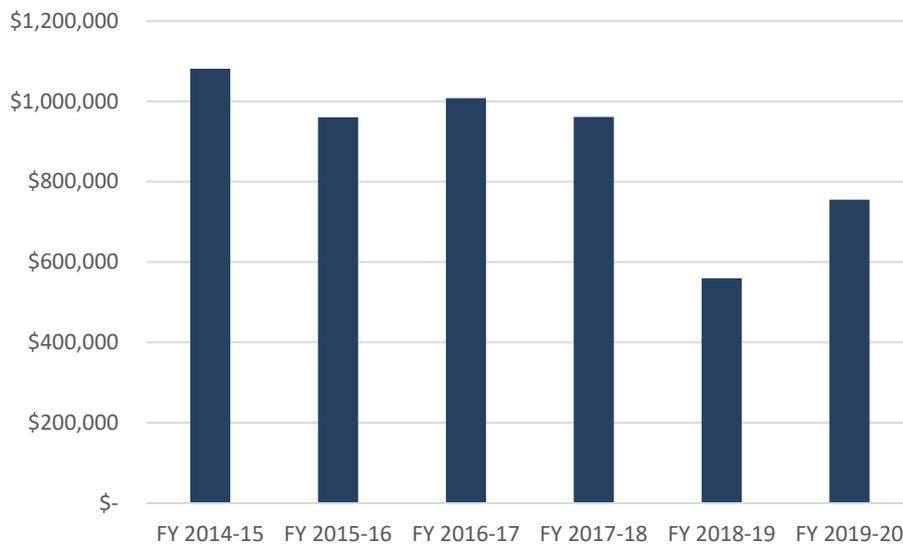
C. Expenditures

Expenditures are an approximate measure of the Trust Fund’s effort to meet its goals. An ideal situation would be that expenditure growth rate does not exceed the revenue growth rate and will have maximum spending flexibility to adjust to changing conditions.

As with revenues, we have adjusted expenditures for inflation. This conversion allows us to take into account the appearance of growth due to inflation. See Exhibit 23

Exhibit 23

Trust Fund Expenditures (Constant Dollars)



Source: Developed by LBFC staff with information provided by the Pennsylvania Department of Health.

Expenditures per Capita

Expenditures per Capita reflect the changes in Trust Fund spending relative to Pennsylvania’s population. As the population increases, it would be reasonable to expect spending to increase as well. Given the nature of the Trust Fund’s mission – increasing the number of organ donors – a larger population equates to additional drivers, which then leads to additional costs in converting those drivers to organ donors. Ideally, however, the per person cost would remain constant.

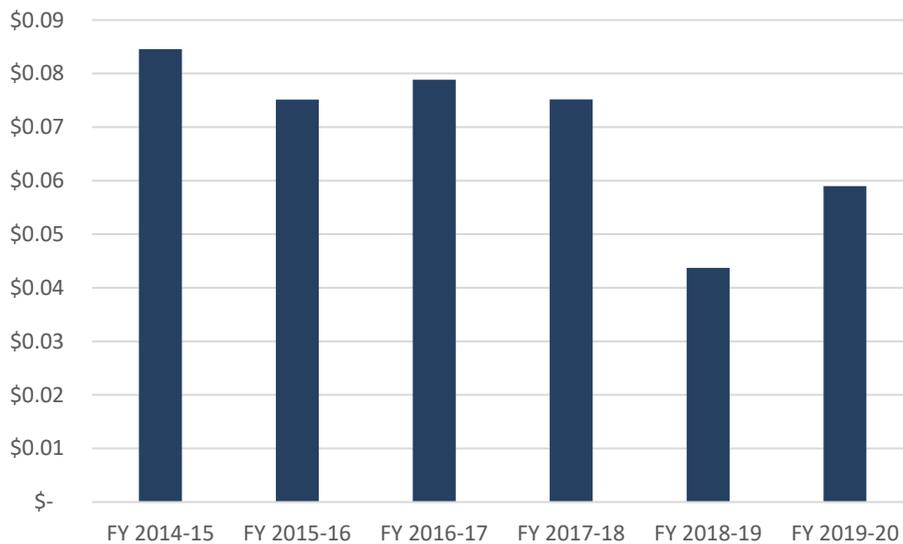
Formulas.

$$\frac{\text{Expenditures}_{(\text{constant})}}{\text{Population of Pennsylvania}}$$

Trend – Caution. Trust Fund spending per capita has decreased in every year of our review except for FY 2019-20. The purpose of the Trust Fund is to encourage more individuals to become organ donors. That encouragement takes the form of marketing to the residents of Pennsylvania. It is reasonable to assume that a decrease in marketing will eventually lead to a decrease in the number of individuals designating as an organ donor. That said, the Trust Fund has been under financial strain for several years. It is prudent for the fund to decrease its spending to maintain its solvency. See Exhibit 24

Exhibit 24

**Expenditures per Capita
(Constant Dollars)**



Source: Developed by LBFC staff with information provided the Pennsylvania Department of Health.

Expenditures per New Designation

Expenditures per new designation show the cost of converting licensed drivers in Pennsylvania into individuals who decide to be organ donors. If the cost per new designation is decreasing, it may reflect increased efficiency in convincing licensed drivers to become organ donors. However,

if the cost per new designation is increasing, it may show that the public relations campaign is not targeting its resources effectively.

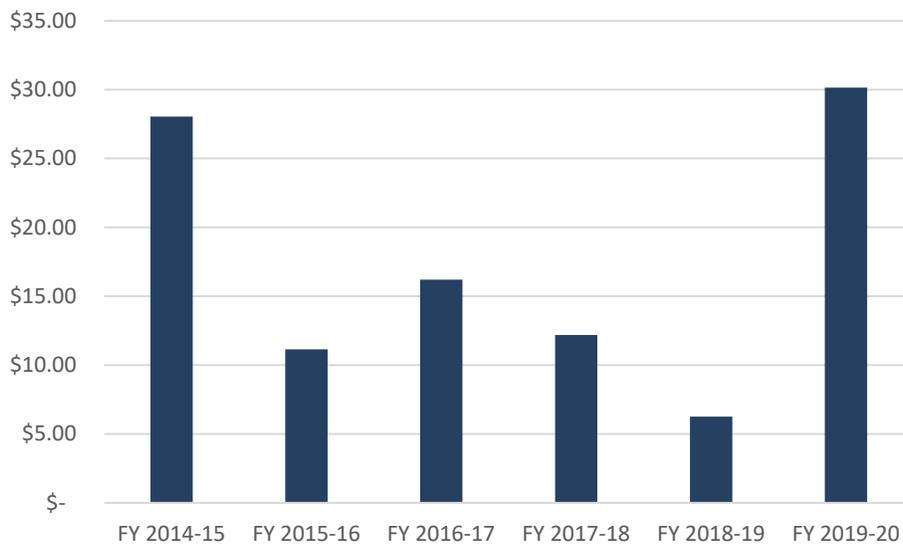
Formula.

$$\frac{\text{Expenditures}_{(Constant)}}{\text{New Designations}}$$

Trend – Caution. In the first five years of our review, the cost for each new designation trended downward. However, in FY 2019-20, the number of new designations decreased significantly from 89,481 in FY 2018-19 to 25,049 in FY 2019-20 – leading to an increase in expenditures per new designations. There could be several reasons for this sudden increase. It could be a reflection on the decisions of the marketing firm hired by the Trust Fund. It could also be the result of a sharp decrease in spending for the marketing campaign in the previous fiscal year. See Exhibit 25.

Exhibit 25

**Expenditures per New Designation
(Constant Dollars)**



Source: Developed by LBFC staff with information provided by the Pennsylvania Department of Health.

D. Operating Position

Operating position refers to the Trust Fund's ability to maintain reserves for emergencies, and maintain sufficient cash to pay short-term obligations. The Trust Fund will generate an operating surplus (revenues exceed expenditures) or deficit (expenditures exceed revenues), which are created from policy decisions made by the Departments of Health, Education and Transportation as well as ODAC or unintentionally from imprecise forecasted revenues and expenditures. Reserves are built through the accumulation of annual operational surpluses. These are maintained for a financial safety net in the case of a loss of a revenue source or an economic downturn.

Trust Fund Operating Surplus or Deficit

An operating surplus occurs when current revenues exceed current expenditures. If the reverse is true, it means that at least during the current year, the Trust Fund is spending more than it receives. This can occur because of a natural catastrophe that severely restricts revenues. It can also occur as a result of a conscious policy to use surplus fund balances that have accumulated over time. The existence of an operating deficit in any one-year may not be cause for concern, but frequent occurrences may indicate that current revenues cannot support current expenditures and serious cost cutting adjustments may be required.

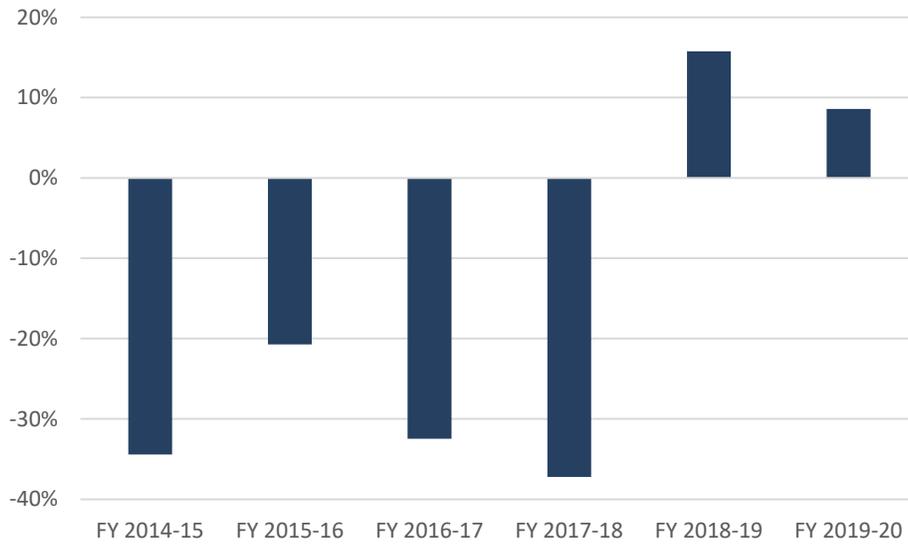
Formula.

$$\frac{\text{Trust Fund Revenues}_{(Constant)} - \text{Trust Fund Expenditures}_{(Constant)}}{\text{Trust Fund Revenues}_{(Constant)}}$$

Trend – Warning. For the first four years of our review, the Trust Fund has posted an operating deficit that averaged 31 percent. In FY 2018-19, the Trust Fund achieved a 16 percent operating surplus. While this is a good result, the operating surplus decreased to nine percent in FY 2019-20. See Exhibit 26.

Exhibit 26

**Trust Fund Operating Surplus/Deficit
(Constant Dollars)**



Source: Developed by LBFC staff with information provided by the Pennsylvania Department of Health.

Trust Fund Balance

The level of the Trust Fund's balance will determine its ability to withstand unexpected events and continue its mission in difficult times. If a fund is consistently spending down its balance to pay for continuing operations rather than a one-time project or emergency, it is a sign of significant fiscal stress.

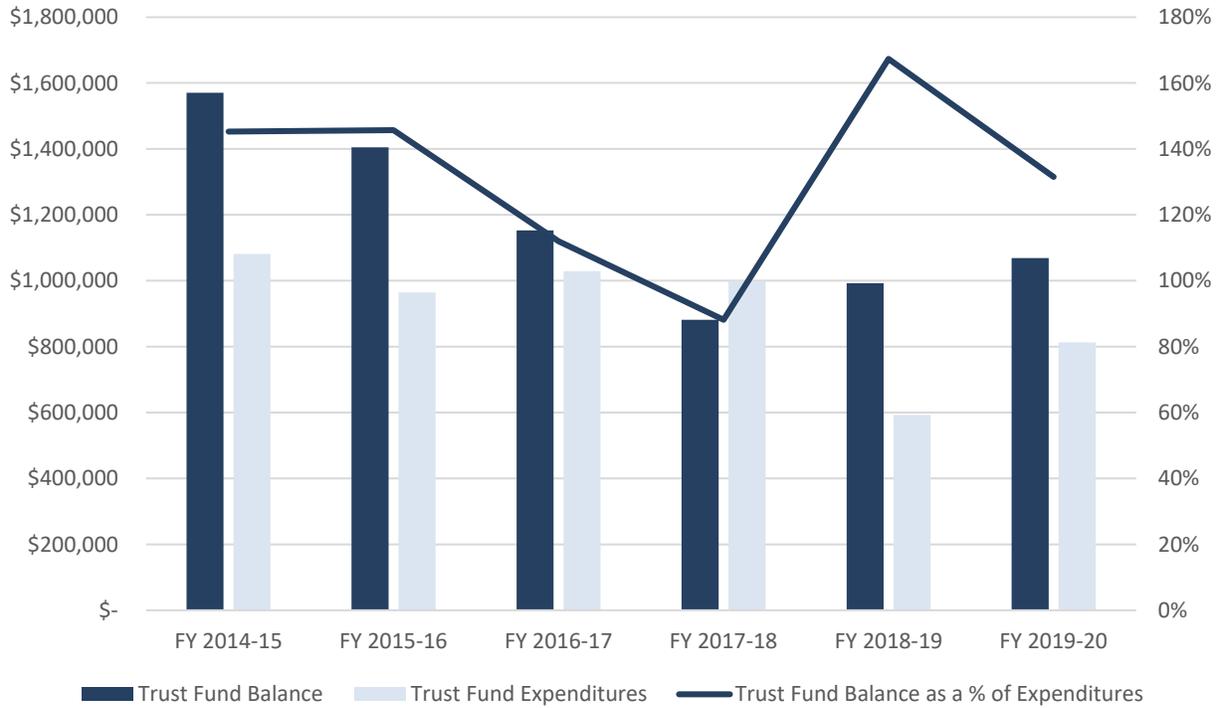
Formula.

$$\frac{\text{Trust Fund Balance}}{\text{Trust Fund Expenditures}}$$

Trend – Caution. For years the Trust Fund has been spending down its balance. As revenues decreased over time, the Trust Fund made the decision to maintain expenditures at approximately \$1 million per year. In FY 2018-19, the Trust Fund cut expenditures to roughly \$600 thousand. As such, the fund balance decreased from nearly \$1.6 million in FY 2014-15 to about \$900 thousand in FY 2017-18. See Exhibit 27.

Exhibit 27

Trust Fund Balance as a Percent of Expenditures



Source: Developed by LBFC staff with information obtained from the Pennsylvania Department of Health.

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SECTION VI APPENDICES

Appendix A Selected Sections of Act 2018-90

**PROBATE, ESTATES AND FIDUCIARIES CODE (20 PA.C.S.) - OMNIBUS
AMENDMENTS**

Act of Oct. 23, 2018, P.L. 594, No. 90

Cl. 20

Session of 2018

No. 2018-90

SB 180

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in ownership of property and legal title and equitable estate, further providing for right to dispose of a decedent's remains; in health care, further providing for example; and, in anatomical gifts, further providing for definitions, providing for scope, further providing for persons who may execute anatomical gift, for persons who may become donees and purposes for which anatomical gifts may be made, for manner of executing anatomical gifts, for rights and duties at death, for requests for anatomical gifts, for use of driver's license or identification card to indicate organ or tissue donation, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, for confidentiality requirement and for prohibited activities, providing for promotion of organ and tissue donation, establishing the Donate Life PA Registry, providing for facilitation of anatomical gift from decedent whose death is under investigation, for notification by coroners and medical examiners to district attorneys, for discretionary notification by coroner or medical examiner, for collaboration among departments and organ procurement organizations, for information relative to organ and tissue donation, for requirements for physician and nurse training relative to organ and tissue donation and recovery, for Department of Transporta-

tion, for Department of Corrections, for study of organ procurement organizations and for relation to Electronic Signatures in Global and National Commerce Act, repealing provisions relating to corneal transplants and providing for vascularized composite allografts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

...

§ 8622. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

(a) Establishment.--All contributions received by the Department of Transportation under section 8621 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions) [and the Department of Revenue under section 8618 (relating to voluntary contribution system)] and the Department of Health under section 8617 (relating to requests for anatomical gifts) shall be deposited into a special fund in the State Treasury to be known as The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, which is hereby established.

(b) Appropriation.--All moneys deposited in the fund and interest which accrues from those funds are appropriated on a continuing basis subject to the approval of the Governor to compensate the Department of Transportation, the Department of Health and the Department of Revenue for actual costs related to implementation of this chapter, including all costs of the [Organ Donation Advisory Committee] **advisory committee** created in subsection [(c)] **(c.1)**. Any remaining funds are appropriated subject to the approval of the Governor for the following purposes:

(1) [10%] **Ten percent** of the total fund may be expended annually by the Department of Health for reasonable hospital and other medical expenses, funeral expenses and incidental expenses incurred by the donor or donor's family in connection with making [a vital organ donation] **an organ or tissue donation, along with programming, to provide support services to organ donors and tissue donors and their families, such as bereavement counseling services**. Such expenditures shall not exceed \$3,000 per donor and shall only be made directly to the funeral home, hospital or other service provider related to the donation. No part of the fund shall be transferred directly to the donor's family, next of kin or estate. The ad-

visory committee shall develop procedures, including the development of a pilot program, necessary for effectuating the purposes of this paragraph.

(2) [50%] **Fifty percent** may be expended for grants to certified organ procurement organizations for the development and implementation of organ donation awareness programs in this Commonwealth. The Department of Health shall develop and administer this grant program, which is hereby established.

(3) [15%] **Fifteen percent** may be expended by the Department of Health, in cooperation with certified organ procurement organizations, for the [Project-Make-A-Choice] **Project Make-A-Choice** program, which shall include information pamphlets designed by the Department of Health relating to organ donor awareness and the laws regarding organ donation, public information and public education about contributing to the fund when obtaining or renewing a driver's license **or identification card** and when completing a State individual income tax return form. **The Department of Health shall develop an informational insert for use when receiving a driver's license or identification card based on the Department of Transportation's specifications in accordance with the requirements of section 8619(a.1) (relating to use of driver's license or identification card to indicate organ or tissue donation).** Project Make-A-Choice shall also provide the Internet website address and a hyperlink for the Department of Transportation's Internet website under section 8621(c) (2), and a statement that detailed information about anatomical donation and donation of a hand, facial tissue, limb or other vascularized composite allograft, can be found on the Department of Transportation's publicly accessible Internet website. The Department of Health shall also design information pamphlets about donation of hands, facial tissue and limbs and other vascularized composite allografts. Project Make-a-Choice shall also provide information about donation of hands, facial tissue or limbs or other vascularized composite allografts, which shall include the topics set forth in section 8621(c) (2).

(4) [25%] **Twenty-five percent** may be expended by the Department of Education for the implementation of organ donation awareness programs in the secondary schools in this Commonwealth.

[(c) Advisory committee.--The Organ Donation Advisory Committee is hereby established, with membership as follows:

- (1) Two representatives of organ procurement organizations.
- (2) Two representatives of tissue procurement providers.

- (3) Six members representative of organ, tissue and eye recipients, families of recipients and families of donors.
- (4) Three representatives of acute care hospitals.
- (5) One representative of the Department of Health.
- (6) One representative of eye banks.

All members shall be appointed by the Governor. Appointments shall be made in a manner that provides representation of the northwest, north central, northeast, southwest, south central and southeast regions of this Commonwealth. Members shall serve five-year terms. The Governor may reappoint advisory committee members for successive terms. Members of the advisory committee shall remain in office until a successor is appointed and qualified. If vacancies occur prior to completion of a term, the Governor shall appoint another member in accordance with this subsection to fill the unexpired term. The advisory committee shall meet at least biannually to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness training programs, recommend priorities in expenditures from the fund and advise the Secretary of Health on matters relating to administration of the fund. The advisory committee shall recommend legislation as it deems necessary to fulfill the purposes of this chapter. The advisory committee shall submit a report concerning its activities and progress to the General Assembly within 30 days prior to the expiration of each legislative session. The Department of Health shall reimburse members of the advisory committee for all necessary and reasonable travel and other expenses incurred in the performance of their duties under this section.]

(c.1) Advisory committee.--

(1) The Organ and Tissue Donation Advisory Committee is established. Each member shall be appointed by the Governor. Membership shall be as follows:

- (i) The Secretary of Education or a designee.**
- (ii) The Secretary of Health or a designee.**
- (iii) The Secretary of Transportation or a designee.**
- (iv) The Secretary of the Commonwealth or a designee.**
- (v) One representative from each designated organ procurement organization.**
- (vi) Two representatives of tissue procurement providers.**
- (vii) Six members representative of:**
 - (A) organ, tissue and eye recipients;**
 - (B) families of recipients;**
 - (C) donors; and**
 - (D) families of donors.**

(viii) Two representatives of acute care hospitals which are:

(A) licensed in this Commonwealth; and

(B) members of the Statewide association representing the interests of hospitals throughout this Commonwealth.

(ix) One representative of eye banks.

(x) One representative of community health organizations.

(xi) One elected county coroner of this Commonwealth.

(2) A member under paragraph (1) (i), (ii), (iii) and (iv) shall serve ex officio.

(3) For a member under paragraph (1) (v), (vi), (vii), (viii), (ix), (x) and (xi), the following apply:

(i) Members shall be appointed in a manner which reflects geographic diversity. Input on the selection of the representatives under paragraph (1) (viii) shall be sought from the Statewide association referred to in paragraph (1) (viii) (B).

(ii) The members shall serve five-year terms.

(iii) The Governor may reappoint an advisory committee member for successive terms.

(iv) A member shall remain in office until a successor is appointed and qualified.

(v) If a vacancy occurs prior to completion of a term, the Governor shall appoint a member to fill the unexpired term in the same manner as the vacating member was appointed.

(4) The advisory committee shall meet at least biannually to do all of the following:

(i) Review progress in the area of organ and tissue donation in this Commonwealth.

(ii) Recommend education and awareness training programs.

(iii) Recommend priorities in expenditures from the fund.

(iv) Advise the Secretary of Health on matters relating to administration of the fund.

(v) Recommend legislation as necessary to fulfill the purposes of this subchapter.

(5) The advisory committee shall submit a report concerning the advisory committee's activities and progress to the Secretary of the Senate and the Chief Clerk of the House of Representatives by October 31 of each even-numbered year. A final written report under this section shall be adopted at

a public meeting. The report shall be a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(6) The Department of Health shall reimburse members of the advisory committee only for necessary and reasonable travel and other expenses incurred in the performance of the advisory committee members' duties under this subsection.

(d) Reports.--The Department of Health, the Department of Transportation and the Department of Education shall submit an annual report to the General Assembly on expenditures of fund moneys and any progress made in [reducing the number of potential donors who were not identified] **increasing the number of donor designations.**

[(e) Definition.--As used in this section, the term "vital organ" means a heart, lung, liver, kidney, pancreas, small bowel, large bowel or stomach for the purpose of transplantation.]

(f) Lead Commonwealth agency.--The Department of Health shall be the lead Commonwealth agency responsible for promoting organ, tissue and eye donation in this Commonwealth and shall coordinate activities among other collaborating Commonwealth agencies.

...

§ 8631. Study of organ procurement organizations.

(a) Study.--The Legislative Budget and Finance Committee shall conduct a study and performance evaluation of expenditures which utilize grants from the Department of Health under section 8622(b) (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund).

(b) Date.--The study under subsection (a) shall be completed no later than two years after the effective date of this section. Copies shall be submitted to the following:

- (1) The Health and Human Services Committee of the Senate.
- (2) The Judiciary Committee of the Senate.
- (3) The Health Committee of the House of Representatives.
- (4) The Judiciary Committee of the House of Representatives.

...

Section 11. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:

- (i) This section.
 - (ii) The addition of 20 Pa.C.S. § 8613(i).
 - (iii) The addition of 20 Pa.C.S. § 8619(a.1).
 - (iv) The amendment of 20 Pa.C.S. § 8621.
 - (v) The addition of 20 Pa.C.S. § 8626.
 - (vi) The addition of 20 Pa.C.S. § 8626.1.
 - (vii) The addition of 20 Pa.C.S. § 8626.2.
 - (viii) The addition of 20 Pa.C.S. § 8627.1.
 - (ix) The addition of 20 Pa.C.S. § 8628.
 - (x) The addition of 20 Pa.C.S. § 8629.
 - (xi) The addition of 20 Pa.C.S. § 8631.
 - (xii) The addition of 20 Pa.C.S. Ch. 86 Subch. D.
- (2) The amendment of 20 Pa.C.S. § 305(d)(2) shall take effect in 60 days.
- (3) The remainder of this act shall take effect upon publication of the notice under 20 Pa.C.S. § 8629.

APPROVED--The 23rd day of October, A.D. 2018.

TOM WOLF

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Appendix B Grant Agreement Requirements/Testing Items

General

Did the Statewide Organ and Tissue Donation Public Awareness Campaign provide Pennsylvania citizens with current and accurate information about the organ and tissue donation process, including communicating the benefits of organ/tissue donation?

Did the OPO encourage the completion of a legal instrument (driver's license, state photo ID, living will) designating themselves as organ and tissue donors with the commitment to donate at the time of death?

Did the Campaign use a combination of public relations, special events, news releases, radio and television spots, print advertisements, brochures, and posters?

Did the Campaign create Spanish versions of all education and information materials?

Did the Campaign design a theme and supporting messages with specific emphasis in ten counties, five in each OPO service area, with the lowest donor designation rate based on statistics provided by PennDOT?

Did the Grantees and the Greater Delaware Valley Society of Transplant Surgeons work in concert, with the advice and recommendations of the Organ Donation Advisory Committee (ODAC) and the approval of the DOH, to jointly select one sub-grantee to design the Campaign?

Were three competitive requests for proposals obtained prior to selecting a sub-grantee?

Did the Campaign increase the number of registered drivers over the three-year grant period by the specific amount stated in the grant agreement?

Did the grantee and the Greater Delaware Valley Society of Transplant Surgeons articulate and complete specific activities to advance the Pennsylvania Organ and Tissue Donation Action Plan 2010 objectives identified by ODAC, as well as the recommendations in the 2006 Performance Evaluation of Pennsylvania's Organ and Tissue Donation Awareness Program conducted by LBFC?

Were all tasks and reports completed in a joint effort between both grantees with the Department?

Project Make-A-Choice

Did the Grantee do the following:

- Evaluate promotional and communication opportunities with DOH and other affinity groups to promote organ and tissue donation awareness and incorporated the results of the evaluation into the required strategic marketing plan (Plan) – including the expansion of website materials?
- Develop a strategic marketing plan to reinforce the on-line registry including identification of web-based communication tools, including but not limited to social marketing programs?
- Identify and implement a program with five new workplace partners (in each year of the grant) in the grantee's service area to increase donor designation and awareness with PA employers and employees. Were an additional five workplace partners should be added each year?
- Publicize the third-year results of the online registry and public awareness campaign and communicate the number of residents registered as donors through the driver's license campaign?
- Organize local media events in cooperation with government and community agencies in recognition of National Donate Life Month, National Minority Donor Awareness Day, National Donor Sabbath, and other observances?
- Enhance and assess registry marketing to the five low-donor counties, in the Grantee's service area and developed a three-year strategic marketing plan?
- Identify collaborative marketing opportunities with the Departments of Education, Transportation, and Health and in conjunction with the Hospital & Healthsystem Association of Pennsylvania?
- Evaluate and reinforce the targeted PennDOT field office campaign for effectiveness and increase in donor designation at the site?
- Print brochures to be mailed with camera cards upon the renewal of a driver's license or state photo ID card?

Advertising

Did the Grantee do the following:

- Within the first 30 days of the fiscal year, present an annual media plan to DOH?

- Outline (on a monthly basis): media; plan or approvals due; and programs launched?
- Develop and revise (as needed) print posters, statement stuffers, and three-part brochures and other materials?
- Develop online advertisements used on the websites of workplace partners, hospitals, and transplant centers, and by the media that allow viewers to link directly to the Donate Life-PA website?
- Schedule two media buys of radio spots for use throughout the grant period at selected times, such as national Donate Life Month and other observances?
- Schedule media buys for TV using 30- and 60—second spots during Donate Life Month and other observances?
- Develop and distributed three camera-ready print ads to be distributed to community-based newspapers for advertising throughout the state?
- Target five low-donor counties, within the grantee’s services area with “Radio PA” or other radio providers with pre-produced public affairs talk shows?

Minority Outreach

Did the grantee do the following:

- Purchase one radio media buy for use on National Minority Donor Awareness Day?
- Develop new and build upon established relationships within targeted minority groups as established in the Multicultural Outreach initiative during the 2011-12 fiscal year?

Reporting Requirements

Did the grantee meet all of the reporting requirements:

- Present for approval a completed plan for a twelve-month Statewide Organ and Tissue Donation Public Awareness Campaign including public relations, special events, news releases, radio and television Public Service Announcements (PSA’s), brochures, posters, distribution strategy, and evaluation plan within 30 days of each fiscal year?
- Present a quarterly report each year to the Department demonstrating progress toward the completion of the planned twelve-month public awareness campaign?
- Present an annual report to the Department documenting the completion of all aspects of the twelve-month public awareness campaign, including an evaluation of the impact that the campaign made on the designation of “Organ Donor” on the PA Driver’s License and recommendations pertaining to the quality of the campaign activities and the performance of the sub-grantee?

Evaluation Component

Did the Grantee conduct all of the following evaluations and their results for *Project Make A Choice*:

- Evaluate the effectiveness of what had been done prior to the start of the public awareness by comparing the net percentage increases in organ donor designations?
- Determine which campaign components to replicate by evaluating monthly county-by-county data from PennDOT?
- Evaluate the effectiveness of workplace partners in the grantee’s service area including, but not limited to, the number of people reached at the workplace with organ donation information and education; number of designations pre-and post-initiative; lessons learned; and barriers to increasing the number of designations?
- Track PennDOT campaign materials distributed to determine which items should be reordered and in what amount?
- Evaluate the total number of licensed drivers against the number of new designations in targeted PennDOT Field Offices against projections?

Did the Grantee conduct all of the following evaluations and their results for *Advertising*:

- Collect and record data regarding impressions from each media component (including radio and TV spots, web banners and website hits)?
- Identify areas that lack media coverage and plan for increased media concentration in those locations?

Did the Grantee measure whether the message was heard and interest was generated by tracking the following:

- Number of hits on the website, www.donatelife-pa.org, and the percentage, by county, of those hits that come from the ten counties across the state targeted through radio and public relations efforts including the kickoff event?

<ul style="list-style-type: none">• Number of telephone calls (on a quarterly basis) being channeled to 1-877-DONORPA, beginning with the quarter just prior to the campaign?
Did the Grantee collect data regarding impressions from: <ul style="list-style-type: none">• Radio ads – The total reach and frequency for the target audience, ages 35 to 64, in the five targeted counties in the grantee’s service area?• Number of times the campaign is mentioned in radio and TV news?• Number of newspaper clippings and the outlets in which the clippings appear?
Did the Grantee conduct all of the following evaluations and their results for Minority Outreach: <ul style="list-style-type: none">• Measure the effectiveness of the initiative by the number of organizations participating in the program and feedback from members of the organizations?• Identify new initiatives for participants based on feedback from current initiatives?
Did the Grantee conduct all of the following evaluations and their results for the Overall Three-Year Evaluation: <ul style="list-style-type: none">• Number of hits on the website, www.donatelife-pa.org, and the percentage, by county, of those hits that come from the ten counties across the state targeted through radio and public relations efforts including the kickoff event?• Number of telephone calls (on a quarterly basis) being channeled to 1-877-DONORPA, beginning with the quarter just prior to the campaign?
Did the Grantee collect data regarding impressions from: <ul style="list-style-type: none">• Radio ads – The total reach and frequency for the target audience, ages 35 to 64, in the five targeted counties in the grantee’s service area?• Number of times the campaign is mentioned in radio and TV news?• Number of newspaper clippings and the outlets in which the clippings appear (this evaluation must include a rating of the clippings to include headline inclusion, photo inclusion, tone of article, and mention of Donate Life-PA)?

Source: Developed by LBFC staff from grant agreements between DOH and grantees FYs 2012-2020.

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Appendix C Trust Fund Statement of Revenues and Expenditures

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Beginning Balance	\$ 1,847,382	\$ 1,570,465	\$ 1,404,891	\$ 1,152,665	\$ 881,423	\$ 992,242
Revenue:						
Donations - Driver's License Applicants	238,547	262,889	259,562	264,983	258,926	293,082
Donations - Vehicle Registrations	496,368	512,741	494,437	438,975	412,560	638,611
Donations - Private	50,495	5,247	2,042	1,559	685	2,379
Donations - State Income Tax Forms	15,423	12,664	10,876	8,408	8,595	4,469
Interest	3,387	5,226	10,195	14,755	23,046	18,800
Total Revenue	804,220	798,767	777,112	728,680	703,812	957,341
Total Funds Available	2,651,602	2,369,232	2,182,003	1,881,345	1,585,235	1,949,583
Expenditures						
Department of Health						
Statewide Education and Information Campaign	(779,540)	(648,857)	(617,406)	(674,625)	(363,549)	(405,000)
Voluntary Benefit Program Reimbursements	(16,176)	(16,056)	(11,170)	(10,953)	(10,809)	(10,975)
Personnel/Operating	(75,539)	(102,344)	(110,344)	(112,173)	(27,637)	(4,794)
Advisory Committee	(3,302)	(2,299)	(2,080)	(3,171)	(998)	(1,937)
Department of Health Total	(874,557)	(769,556)	(741,000)	(800,922)	(402,993)	(422,706)
Department of Education	(206,580)	(194,785)	(288,338)	(199,000)	(190,000)	(165,000)
Department of Transportation	-	-	-	-	-	(225,000)
Total Expenditures	(1,081,137)	(964,341)	(1,029,338)	(999,922)	(592,993)	(812,706)
Cash Balance, Ending	\$ 1,570,465	\$ 1,404,891	\$ 1,152,665	\$ 881,423	\$ 992,242	\$ 1,136,877

Note: PennDOT received funding from the Trust Fund for the first time in FY 2019-20 to pay for computer system upgrades related to a fee increase for the Trust Fund.

Source: Developed by LBFC staff with information provided by the Pennsylvania Department of Health.

Appendix D PA Department of Health's Response



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

November 20, 2020

Patricia A. Berger
Executive Director
Legislative Budget and Finance Committee
400 Finance Building
613 North Street
Harrisburg, PA 17105

Dear Ms. Berger:

Thank you for sharing the draft report titled, *An Evaluation of Department of Health Grants Funded Through the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund*. The Department strives to operate the Trust Fund as directed by Act 90 and appreciates the thoughtful and comprehensive review of the program.

This response will address the recommendations and findings in the order articulated in the report.

- Section III Grant Agreement Compliance, A. Oversight: ensure compliance with grant agreements and alter future grant agreements to better align with the Trust Fund goals, needs and resources.
Response: The Department agrees with this recommendation. Over the last two years, program staff have implemented mandatory annual site visits for all Grantees. These site visits are intended to ensure compliance with grant agreement terms and deliverables and implement corrective action where necessary. It is expected that this process will address concerns regarding documentation of deliverables going forward.
While the department strives to maintain vast historical information on public health programs, the possibility exists that not all documentation will be readily available and easily produced, particularly in the case of the early periods of this report.
Per the LBFC recommendation, as staff develop new grant agreements with the organ procurement organizations (OPOs), they will revise these documents as needed to align with the Trust Fund goals.
- Section III Grant Agreement Compliance, B. Compliance: possible outdated grant agreement sections.
Response: The department agrees with this recommendation. Program staff facilitate regular collaboration meetings between the Departments of Health and PennDOT, and the OPOs. These meetings seek to enhance collaboration.

RACHEL L. LEVINE, MD- SECRETARY OF HEALTH
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Letter to Ms. Patricia Berger
November 20, 2020
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opportunities between partner agencies with the goal of increasing donor designation rates. Grant Agreement activities related to PennDOT can be vetted in these meetings prior to inclusion in Grant Agreements. Additionally, future Grant Agreements will be updated to reflect a reliance on social media rather than traditional advertising.

- **Section IV Organ Donor Designations: 2012-2015 goal not met.**
Response: The Department acknowledges that the donor designation goal for the period 2012-2015 was not attained. As stated in the report, Pennsylvania's current donor designation rate stands at 49.6%. Program partners are passionate about organ donation and continually strategize on ways to increase this rate. There are currently a number of promising opportunities on the horizon and our partners eagerly anticipate achieving a 50% donor designation rate in 2021.
- **Section V Trust Fund Fiscal Condition: revenues remained relatively flat while expenditures increased, the Trust Fund relied on reserves to continue spending in FYs 14/15 through 17/18.**
Response: As accurately stated in the report, the Trust Fund receives funding solely via voluntary contributions through the licensing and vehicle registration functions at PennDOT and through income tax and other voluntary contributions. Revenue has declined over the past several years until Act 90. Recognizing the overarching goal of increased donor designation rates and also recognizing that a decrease in funding to the outreach and awareness project would likely impact donor designation rates, funding levels remained unaltered. Over the last several years, the program has undertaken measures to reduce expenditures, namely by decreasing the funding amounts to the OPOs and the Department of Education and maintaining a vacancy in the organ donation program administrator position for more than 2 years. Program partners also actively advocated for the passage of Act 90 to increase the donation amount via PennDOT from \$1 to \$3. Over the past 15 months, the program has seen increased revenue as the result of Act 90 and continues to maintain flat level programmatic expenditures with the goal of increasing reserve funds.

A sincere thank you to you and your staff for the thorough review of the program. The recommendations and findings will assist the Department in our work to increase organ and tissue donation in Pennsylvania.

Sincerely,



Rachel L. Levine, MD Secretary
of Health Commonwealth of
Pennsylvania

RACHEL L. LEVINE, MD- SECRETARY OF HEALTH

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