

Houston man donated his liver and kidney to strangers. He supports a bill for donors to receive tax breaks.

By [Evan MacDonald](#), Staff writer

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Tom O'Driscoll [climbed Mount Kilimanjaro last year](#) to raise awareness for organ donation. As soon as he returned home to Sugar Land, though, he felt he needed to do more to help.

O'Driscoll couldn't donate again because he'd already given one of his kidneys and part of his liver to strangers in a pair of anonymous donations. As he scoured the internet for ideas, he came across the [Coalition to Modify the National Organ Transplant Act](#), the 1984 statute that established the organ transplant system in the United States.

The group is backing a bill that would make anonymous kidney donors eligible for a [\\$10,000 refundable tax credit](#) in each of the first five years after they donate. The idea of offering financial incentives to organ donors is a controversial topic in the health care community, and buying or selling an organ is illegal in the United States. But O'Driscoll, like other members of the group, believes the time is right to try something different to help the thousands of people who die each year awaiting a kidney transplant.

**TOM O'DRISCOLL:** [Sugar Land kidney and liver donor climbs Mount Kilimanjaro to raise awareness for organ donation](#)

“I thought it was elegant,” O’Driscoll said. “Almost immediately, I thought this is a good idea to alleviate pain and suffering and death.”

Just last month, a bipartisan group of U.S. representatives introduced End Kidney Deaths Act, a bill that would create a 10-year pilot program offering a total of \$50,000 in refundable tax credits to anonymous kidney donors. Members of the coalition are preparing to head to Washington this month for a lobbying day at Congress; O’Driscoll is planning to meet with staff from the offices of Fort Bend U.S. Rep. Troy Nehls and U.S. Sens. John Cornyn and Ted Cruz to ask for their support.

Proponents of the legislation believe it will lead to an increase in kidney donations for the more than 89,000 adults and children in the U.S. awaiting a transplant, and reduce the number of people who die before they can receive one. Critics argue there is no evidence that financial incentives would encourage more donations; they believe the focus should be on preventing end-stage renal disease to reduce the number of kidney transplants needed in the first place.

Dr. Savitri Fedson, a professor at the Center for Medical Ethics and Health Policy at Baylor College of Medicine, worries that providing financial incentives for organ donations could be “risky business.”

Under the proposal, the \$10,000 tax credit could either be used to reduce a tax bill or be given to the donor as a refund. Fedson is concerned that could appeal to someone who is already in a vulnerable financial situation. She also noted there is little data on how giving an organ might affect the donor down the line.

“If you look at those for whom a \$10,000 tax credit per year ... is substantially more important, they are going to be a lot more vulnerable population,” she said.

#### **KIDNEY SWAP:** [Two Texas couples 'swap' kidneys, creating lifelong bond](#)

Supporters argue the benefits of the End Kidney Deaths Act outweigh any concerns. The Coalition to Modify NOTA estimates the legislation would **not only save lives, but also** save more than \$50 million per year that Medicare spends on dialysis, said Elaine Perlman, one of its founders.

Perlman, a New York resident who is also the executive director of the kidney transplant advocacy group Waitlist Zero, is hopeful the legislation can be passed within the next year – or possibly even sooner.

“I’m sort of sprinting to the finish line,” said Perlman, who donated one of her kidneys to a stranger in early 2020. “I want it signed this year, because every day that we don’t sign this law, people are dying from preventable deaths.”

m O'Driscoll poses for a photo with his bike Wednesday, Aug. 28, 2024, at his home in Sugar Land. He said he has competed in triathlons and marathons since 2010. He donated his kidney and part of his liver to strangers.

## The need for more kidneys

There are more than 103,000 adults and children in the United States on the waiting list for organ transplants, according to the Organ Procurement and Transplantation Network. Approximately 86 percent of them – more than 89,000 – need a kidney.

The number of kidney transplants performed annually has been gradually rising, reaching a record high of 27,332 last year, according to OPTN data. But there's still a long way to go to meet the need.

Over the past decade, an average of more than 4,700 people have died each year awaiting a kidney transplant, according to OPTN data. Thousands more were removed from the waiting list because they became too sick to survive the surgery.

**ORGAN TRANSPLANTS:** [What to know about organ transplants after Memorial Hermann hospital scandal](#)

The End Kidney Deaths Act is seeking to change that. Most organ transplants come from family members or friends who have a clear motivation to give, Perlman said. The legislation is instead targeting anonymous donations, which have hovered between 250 and 400 annually since 2017, according to OPTN data.

There are federal programs and organizations that compensate organ donors for the cost of travel, hotels, meals and lost wages they incurred, but tax credits would take that compensation a step further.

One of the reasons O'Driscoll supports the legislation is it offers a measurable benefit to kidney donors, he said. He noted that organ transplant centers and health care workers are paid for their efforts, while recipients benefit from a new kidney. For donors, the benefit is the good feeling they get from saving a life.

"The only person in the whole value chain who gets no consideration at all is the person that made it happen. The donor," he said. "By doing this, I think it recognizes the value of that donor."

The legislation does not apply to former donors, so O'Driscoll and Perlman would not be eligible for tax credits.

Perlman said other members of the coalition felt the tax credits should be available to all kidney donors, rather than just those who give anonymously. But she believes a more targeted approach has a better chance of garnering support in Congress.

**AMONG THE OLDEST:** [Former Texas Lt. Gov. Ben Barnes becomes one of state's oldest kidney transplant recipients](#)

"We need to show first that it works. We need to build confidence in it, in this idea," she said. "We can't start big. We need to start small."

## **'No great, simple solution'**

There are some indications that the idea of financial incentives for organ donors is gaining traction, both within the medical community and among the public.

The [American Medical Association](#) and the [American Society of Transplant Surgeons](#) support more studies into whether financial incentives could increase organ donations. The ethics committee for the [OPTN and the United Network for Organ Sharing](#) has previously said that pilot studies may be needed to break the stalemate in the debate over any ethical concerns.

"We feel like the medical community is pretty solidly on our side," Perlman said, noting that health care workers account for a sizable portion of the 660 members of the Coalition to Modify NOTA.

Fedson said more data is needed to determine if financial incentives would be effective. She is concerned they might seem "distasteful" and dissuade someone who is considering an altruistic donation, even if there's no requirement to claim the tax credit.

**READ MORE:** [Medical love story: A Texas couple both had liver transplants. Now she helps others as a transplant surgeon.](#)

Her primary concern, though, is for the donors. Tax credits may be alluring to someone in a precarious financial situation, she said. The National Kidney Foundation has said there is [limited research into the long-term risks](#) of kidney donation, so they could develop health problems later in life, Fedson said.

She believes that focusing on preventing kidney disease to reduce the need for transplants is a better long-term strategy.

“There’s no great, simple solution,” she said. “I think that trying to focus on the tail end is good, but the focus on prevention ... is probably more cost-effective.”

O’Driscoll said he understands the concerns, but with thousands dying every year on the waiting list, he believes it’s crucial to provide immediate help.

“Our sole desire is to alleviate pain and suffering, and bring that waiting list for an organ down to zero,” he said.

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