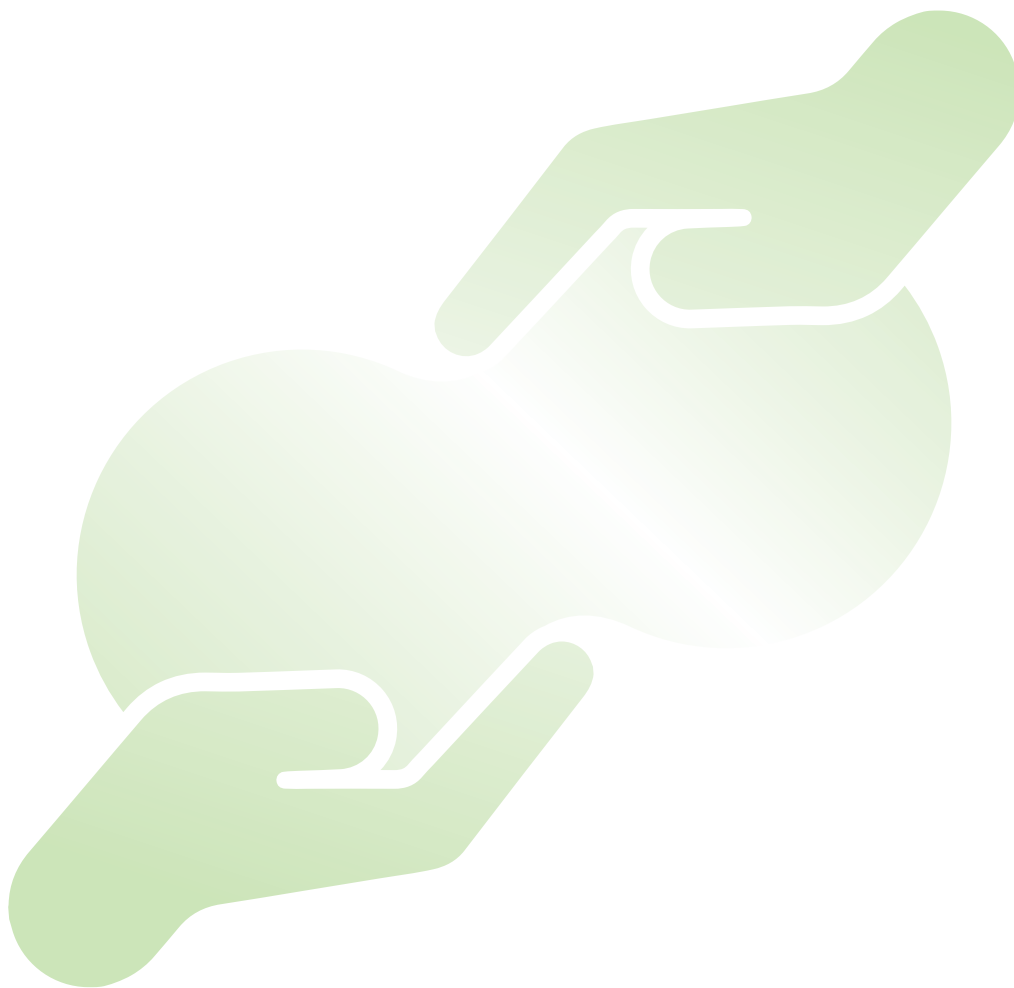


Compensation for Live Organ Donors

Information pack



Citation: Ministry of Health. 2017. *Compensation for Live Organ Donors: Information pack*.
Wellington: Ministry of Health.

Published in December 2017 (Revised May 2021)
by the Ministry of Health
PO Box 5013, Wellington 6145, New Zealand

ISBN 978-1-98-853906-5 (print)
ISBN 978-1-98-853907-2 (online)
HP 6703

This document is available at:
health.govt.nz



This work is licensed under the Creative Commons Attribution 4.0 International licence. In essence, you are free to: share, ie, copy and redistribute the material in any medium or format; adapt, ie, remix, transform and build upon the material. You must give appropriate credit, provide a link to the licence and indicate if changes were made.

Contents

Introduction	1
Compensation for live organ donors	1
About compensation for live organ donors	3
Who is eligible for live organ donor compensation?	3
The compensation process	3
Applying for loss of earnings	4
Requesting a review of your application	5
What documents must I provide with my application?	6
Compensation payments	7
What happens to my KiwiSaver payments?	8
What happens to my child support payments?	8
Can I get help with child care or home help?	8
Contact us	8
More information	8

Introduction

For many people, receiving a kidney or part of a liver from a live donor can significantly improve their length and quality of life. Making this improvement possible can also be a very satisfying experience for the person donating an organ.

It is a big decision to become an organ donor. Before you can donate an organ you will need to have medical tests and checks to make sure this type of surgery is suitable for you. A lot of information is available that explains what is involved in becoming a donor.

Go to www.health.govt.nz/liveorgandonation for useful links to information about the tests, the operation and what life will be like after donation.

Transplant or donor liaison coordinators at hospitals are available to support you and talk in more detail about whether this surgery is suitable for you and give you more details about the transplant process. They can also provide advice to the families of donors. Please call the Ministry of Health on 0800 855 066 or 0800 LIVE DONOR (0800 5483 3666) to be connected to the donor liaison coordinator in your area.

Compensation for live organ donors

This booklet focuses on the compensation available to cover loss of earnings for donors and how this process works. People who donate a kidney or part of their liver will need to take time out from their usual commitments to have surgery and to recover. In New Zealand, donors can apply for financial help to cover loss of earnings, as well as travel and accommodation costs where this is required. You may also be able to apply for support for any loss of earnings while you are going through the assessment process.

If you have any other questions about compensation, please speak to your donor liaison coordinator, call the Ministry of Health on 0800 855 066 during weekdays or email: claimsmanagement@health.govt.nz



Journey for live organ donors



If you decide you would like to donate a kidney or part of your liver, first **call the Ministry of Health for more information on:**



You go through a series of tests to work out if the donor surgery is suitable for you. For any specialised tests you need (that is, other than tests at the laboratory or from your doctor), **you will be eligible for National Travel Assistance to help with some travel and/or accommodation costs.**



Match



Once testing is complete and you are a confirmed match for the recipient, you will get a scheduled date for your surgery.

The National Travel Assistance coordinator at your local hospital can help to get you set up for this.



You may be able to receive compensation for loss of earnings while you recover from surgery from the Ministry of Health. Your transplant or donor liaison coordinator can help you with this.

Once a surgery date is scheduled, you can send your Application for Loss of Earnings Form to the Ministry of Health, with evidence of the amount of earnings you will lose. The Ministry of Health works out how much compensation you can get.

Donation

Ready to work!

The hospital will issue a medical certificate for payments to be made. **The Ministry of Health makes compensation payments once a week while you recover.**

You can return to work as soon as you feel ready. If this is before the date on your medical certificate, **let the Ministry of Health know as soon as possible** so that it can stop making compensation payments.

When you return to work, compensation payments end.

Not ready for work!



If you are not ready to return to work on full or reduced hours but your medical certificate has expired, you will need to talk to your medical professional to get an extension. You must send the new medical certificate to the Ministry of Health as soon as possible for payments to continue.

You will get another medical certificate and payments continue (for up to 12 weeks at the most).

About compensation for live organ donors

The Ministry of Health administers compensation for live organ donors under the Compensation for Live Organ Donors Act 2016 and Organ Donation and Related Matters Act 2019.

Under these Acts, live organ donors are compensated for loss of earnings after donating an organ. Live organ donors who are eligible will be paid regular weekly earnings from the day of their surgery and for up to 12 weeks while they are recovering. Some live organ donors may also be eligible for compensation prior to their surgery in limited circumstances.

Organ donors may be reimbursed for travel and accommodation costs linked with the organ donor tests and surgery. Talk to the transplant or donor liaison coordinator who will put you in touch with the National Travel Coordinators for this.

Who is eligible for live organ donor compensation?

In New Zealand, anyone who donates an organ (either a kidney or part of their liver) to a person who is eligible for publicly funded health services in New Zealand can receive compensation if they will lose earnings. People who donate under the Australian and New Zealand Paired Kidney Exchange Program and who are registered with the New Zealand Kidney Exchange Programme can also receive compensation if they will lose earnings.

Due to the compensation available under the Act, you will not need to use your annual or sick leave unless you need to be off work for longer than the maximum 12-week period the Act covers.

If you donate an organ but are living overseas, you are eligible for compensation for lost earnings as long as the donor surgery takes place in New Zealand and the person receiving your donated organ is eligible for publicly funded health services in New Zealand. You are also eligible for compensation if you are registered with the New Zealand Kidney Exchange Programme and donate under the Australian and New Zealand Paired Kidney Exchange Program.

For more information about who is eligible for New Zealand health services, go to www.health.govt.nz/liveorgandonation

The compensation process

Your transplant or donor liaison coordinator will discuss the live organ donor compensation process with you during your assessment. If you are eligible for compensation, and if you are likely to lose earnings as a result of donating your organ, the transplant or donor liaison coordinator can help you go through the required steps and fill out the relevant forms.

Applying for loss of earnings

As soon as you are confirmed as a suitable donor for someone and your transplant or donor liaison coordinator has given you a date for your surgery, you can apply for compensation for loss of earnings. In completing the application form, you give detailed information about you and your earnings to the Ministry of Health so that we can make prompt and accurate payments to you after your surgery. The Ministry of Health can contact your employer for your earnings information to make the process easier for you. Your transplant or donor liaison coordinator can help you fill out the relevant forms if you would like them to.

To apply:

- complete the Application for Loss of Earnings Form at link www.health.govt.nz/liveorgandonation
- include all the supporting documents the Ministry of Health needs to calculate the compensation correctly and pay it to you from the date of surgery,
- complete the final checklist before sending all the information with the completed application form to the Ministry of Health.

Send us your Application for Loss of Earnings Form **at least 60 days before** your scheduled donor surgery so that everything is ready to begin payments after your surgery.

At times, particularly if you are donating a liver, you may not have 60 days' notice before your surgery is scheduled. If you are asked to donate an organ at shorter notice, the Ministry of Health will accept your application if we receive everything needed and can make a decision on your application before the date of your surgery.

If you will lose earnings because you are required to attend medical appointments that are necessary for your surgery to proceed on the scheduled date, you may be eligible for some compensation prior to your surgery as well.

Please contact your transplant or donor liaison coordinator or the Ministry of Health team on the email below. We'll be more than happy to help you.

Your transplant or donor liaison coordinator can help you fill out the form if you would like. After completing the form and gathering your supporting documents, you can either:

- email them to: claimsmanagement@health.govt.nz
- post them to:
Live Organ Donor Compensation
Sector Operations
Ministry of Health
PO Box 1026
Wellington 6140.

Emailing all your forms and supporting documents to us can help us process your application quicker.

The Ministry of Health will write you a letter confirming whether you are eligible under the Act and outlining the amount you will be compensated each week. Compensation is available for up to 12 weeks if you need it to make sure you fully recover before returning to work.

Requesting a review of your application

If you feel the amount of compensation we have worked out for you is not correct, you can ask the Ministry of Health to review it.

To ask for a review, you must complete the Review Request for Loss of Earnings Form (go to www.health.govt.nz/liveorgandonation) and include the reasons why you are asking us to review it. You will also need to provide further information and relevant documentation to support your request. You must send us your request for review within **30 days** of receiving our compensation calculation letter.

If you are not satisfied with the outcome of this review process, you can apply for a review by an independent reviewer. The Ministry of Health must receive your request for an independent review within **30 days** of the first review decision. The independent reviewer will advise you of the outcome of their decision, and will also send a copy of their decision to the Ministry of Health.

What documents must I provide with my application?

You will need to provide evidence of your employment status: whether you are an employee, self-employed or a shareholder-employee. You will also need to provide a verified copy of your bank account details. The Ministry of Health will contact your employer, where needed, for your earnings information to make the process easier for you.

All donors receiving compensation will need to provide a completed Tax code declaration (IR330) form.

If you're a KiwiSaver member, you'll also need to provide a completed KiwiSaver deduction form (KS2) or a copy of your contributions holiday notice.

These forms are available from www.ird.govt.nz. Please contact Inland Revenue if you receive Working for Families tax credits or have child support obligations to discuss how receiving a lump sum payment for compensation may affect you.

If you are an employee, you will need to provide a completed:

- Tax code declaration (IR330) **and**
- KiwiSaver deduction form (KS2) **and**
- a summary of earnings from Inland Revenue or, if not available, the name and contact details for your employer so the Ministry can ask them to fill out an Employee Earnings Certificate for you.

If you are self-employed or a shareholder employee you will need to provide:

- IR3 (Individual Income Tax Return) submitted by you or your accountant, which specifies income sources and amounts **and** a copy of the Income Summary report from your myIR account.

If you are a donor from overseas, you will need to:

- provide evidence of your earnings for the last 52 weeks from the tax department in your country of residence **or**
- a copy of your most recent tax return.

All documents must be translated into English and verified as being true and correct by a New Zealand Embassy, Consulate or High Commission official, or their delegated representative in that country.

If you are a donor from overseas, please also note that all compensation payments are taxable. Contact Inland Revenue (the New Zealand tax department) to apply for an IRD number. You will need to contact the tax authority in your country to confirm any tax you must pay there.

Inland Revenue's contact telephone number for people calling from overseas is: +64 4 978 0779.

Please also be aware that if you are an overseas donor, you will be paid compensation from the day of your surgery and during your recovery. We will pay compensation into the New Zealand bank account that you nominate.

Compensation payments

If you are eligible for live organ donor compensation, you will receive 100 percent of your calculated loss of earnings for a maximum of 12 weeks from the date of surgery.

The amount you receive will vary according to:

- the amount of earnings you lose as a result of the donation (we calculate this as a weekly average of your verified earnings over the past year either from your employer or your most recent individual tax return)
- how long it takes you to recover (up to 12 weeks).

Your transplant centre will provide you with an initial medical certificate. You may receive additional medical certificates depending on how your recovery is going and compensation will continue while these certificates are valid.

You must let the Ministry of Health know as soon as you return to work so we can stop compensation payments. If you receive overpayments, the Ministry of Health will seek to recover these.

Weekly payments should begin on the Wednesday following the date of your surgery. They may be delayed if the Ministry of Health receives your Application for Loss of Earnings Form and supporting documents less than **60 days** before your surgery takes place. If you have no way of sending them this early because your surgery is scheduled in less than 60 days, which is especially likely to happen for liver donations, the Ministry of Health will accept your application if a decision can be made before the date of surgery.

If your surgery date is delayed for more than three months, you may need to complete another Application for Loss of Earnings Form. Please call the Ministry of Health on 0800 855 066 for advice on this.

See page 3 for eligibility criteria.

Can I return to work on reduced hours?

You may be eligible for some compensation if you lose earnings within 12 weeks of your surgery if you work reduced hours because of the effects of your surgery.

Will I be taxed?

All compensation you receive is subject to New Zealand income tax. You will have tax deducted based on the tax code you provide on your Tax code declaration (IR330). The Ministry of Health will make all relevant deductions, such as PAYE, Kiwisaver and student loans, before we pay you.

Please be aware that the Ministry of Health will not pay donations you would generally make from your pay while you are receiving compensation. However, you can continue to make donations to your choice of charitable organisation while you're receiving compensation. You can then claim a tax credit at the end of the year from Inland Revenue, as long as the organisation is an approved charitable.

What happens to my KiwiSaver payments?

The Application for Loss of Earnings Form asks if you contribute to KiwiSaver and if you are on a contributions holiday. The Ministry of Health will make KiwiSaver employer contributions at a fixed rate of 3%. If you are on a contributions holiday, the Ministry of Health will not pay any KiwiSaver contributions.

If you work for an organisation that has a different pension scheme other than KiwiSaver, you will need to arrange with your employer both your own and employer deductions while receiving compensation.

What happens to my child support payments?

The Ministry of Health will not pay your child support payments unless instructed to do so by Inland Revenue. It is your responsibility to discuss this obligation with Inland Revenue. Inland Revenue's contact telephone number for child support queries is 0800 221 221.

Can I get help with child care or home help?

Child care and home help are not available under the Compensation for Live Organ Donors Act 2016.

Contact us

If you have any questions or would like to speak to someone about compensation:

- call the Ministry of Health on 0800 855 066 between 8 am and 5 pm on weekdays, except for Wednesdays when we are open from 9.30 am
- call 0800 LIVE DONOR (0800 5483 3666)
- email us at claimsmanagement@health.govt.nz

More information

You can find more information on Compensation for Live Organ Donors at the Ministry of Health website: www.health.govt.nz/liveorgandonation. You will also find this and other documents, including all the forms you need at this link.

The following websites provide information about live organ donation in New Zealand.

National Renal Transplant Service at the Ministry of Health: www.health.govt.nz/about-ministry/leadership-ministry/expert-groups/national-renal-transplant-service

Kidney Health New Zealand: www.kidneys.co.nz

Live Kidney Donation Aotearoa: www.kidneydonor.org.nz

New Zealand Liver Transplant Recipients: www.livers.org.nz

The following website provides information on tax issues. Inland Revenue: www.ird.govt.nz