

Compensation for Live Organ Donors

Information pack



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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.

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 unpaid 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: liveorgandonation@moh.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 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 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.

Under this Act, 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.

Organ donors may also be reimbursed for travel and accommodation costs linked with the organ donor tests and surgery. Talk to the 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 have lost 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. For more information about who is eligible for New Zealand health services, go to www.health.govt.nz/liveorgandonation

The compensation process

Your 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 donor liaison coordinator can help you go through the required steps and fill out the relevant forms.

Registering for compensation

The first step is to register for compensation. This generally happens when you have started your first medical tests and are likely to want to apply for compensation if you are cleared to become a live organ donor. You will still need to have some more tests before you can be confirmed as a donor and get a date for surgery.

Your donor liaison coordinator will discuss the possibility of registering for compensation with you during the assessment tests. Registration provides the Ministry of Health with summary information about you so we can process your application for compensation quicker if and when we receive it in the future. If your surgery date is brought forward, it is also helpful for us to already have some of your basic information, and we will do everything we can to pay your compensation as soon as possible.

You will need to complete the Registration for Loss of Earnings Form for live organ donors from www.health.govt.nz/liveorgandonation.

After completing the form, please:

- email to: liveorgandonation@moh.govt.nz
- or post it to:
Live Organ Donor Compensation
Sector Operations
Ministry of Health
PO Box 1026
Wellington 6140.

You will get a letter from the Ministry of Health confirming you have been registered for live organ donor compensation. This letter will also tell you what you need to do next.

Applying for loss of earnings

The next step is to apply for compensation. As soon as you are confirmed as a suitable donor for someone and your 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 more 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 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, make sure 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 prioritise your application as soon as we receive everything needed. If you cannot complete an application before your donation surgery, please send us it as soon as you are able to afterwards. The Ministry of Health must receive your application within **60 days** from the date of your surgery to provide any backdated compensation. If you have any questions about the forms please contact your donor liaison coordinator or the team on the email below. We'll be more than happy to help you.

Your 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: liveorgandonation@moh.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 stakeholder 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 Return Acknowledgement from Inland Revenue confirming the IR3 submitted **or**
- IR3 (Individual Income Tax Return) submitted by you or your accountant, which specifies income sources and amounts **and** a Notice of Assessment from Inland Revenue, with adjustments to the IR3 **or**
- a customised 'incomes detail' letter that verifies the income source(s) and amount(s), which the donor will need to request from Inland Revenue
- if applicable, a completed KiwiSaver deduction form (KS2)
- confirmation of when the surgery has occurred.

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 while you're in New Zealand. 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 amount of your verified earnings over the past year)
- 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 prioritise your application and make compensation payments as soon as possible.

If we do not receive an application within a reasonable timeframe before your donation surgery, we can backdate the compensation when we do receive all of the supporting documents we need. This situation is likely for most liver donations and where a kidney donation has been brought forward from the original scheduled date of surgery. In these cases, you will need to send us your application **within 60 days** after your surgery to be eligible for compensation.

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.

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 the same rate that your employer is paying. If you are on a contributions holiday, the Ministry of Health will not pay any KiwiSaver contributions.

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 liveorgandonation@moh.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



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