



December 22, 2011

Margaret A. Hamburg, MD
Commissioner
Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

Dear Dr. Hamburg:

On behalf of the HIV Health and Human Services Planning Council of New York (Planning Council), I write to strongly encourage you to permit the transplantation of organs to and from HIV-infected individuals.

The Planning Council is comprised of health care and services providers, advocates, and consumers and is charged with setting priorities for and allocating approximately \$121 million from the Health Resources and Services Administration for treatment and care for people living with HIV/AIDS (PLWHA) in New York City and in Westchester, Rockland, and Putnam Counties. Collectively, Planning Council members have many decades worth of experience addressing the multiple health care and social service needs of the PLWHA population and are also acutely aware of the challenges of living with HIV/AIDS.

In particular, Planning Council members recognize the growing need for organs for transplantation to and from PLWHAs. Both the virus and the antiretroviral medications take a toll on many organ systems, and PLWHAs are joining the already-lengthy waiting lists for transplantation. According to a recent article in the *American Journal of Transplantation* by BJ Boyarsky et al., organs from an average of roughly 500-600 HIV-infected deceased donors would become available on an annual basis if transplantation from HIV-infected donors were permitted.¹ Physicians at a hospital in South Africa, moreover, have already reported success in transplanting kidneys from HIV-infected donors to HIV-infected recipients.² We strongly encourage you,

¹ Boyarsky BJ, Hall EC, Singer AL, et al. Estimating the potential pool of HIV-infected deceased organ donors in the United States. *Am J Transplantation* 2011; 11: 6.

² Muller E, Kahn D, Mendelson M. Renal transplantation between HIV-positive donors and recipients. *N Engl J Med* 2010; 362: 2336-2337.

therefore, to permit HIV-positive individuals to both donate and accept organs for transplantation. The lives of many HIV-infected individuals might be saved if they could receive organs from infected donors. Some potential recipients who are not infected, moreover, might be willing to receive organs from infected donors; for these individuals, living with HIV contracted from a donated organ may be preferable to dying on a wait list. As Boyarsky et al. note, "While donor selection and recipient management will require careful clinical judgment, a legal ban on the use of these organs seems unwarranted and likely harmful."

We hope that you will allow for consumer choice on this issue. We firmly believe that despite the risks, many people will opt for an organ from a donor with the virus. The views expressed in this letter do not necessarily reflect the positions of the Mayor or the Commissioner of Health of the City of New York.

Thank you very much for your attention to this matter.

Very truly yours,



Dorella Walters
Community Co-Chair

cc: Hon. Michael Bloomberg
Thomas Farley, MD, MPH
Jan Carl Park