

Nondiscrimination in Access to Anatomical Gifts and Organ Transplant

SF 875, Ingebrigtsen
HF 1080, Richardson

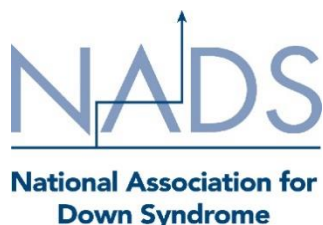
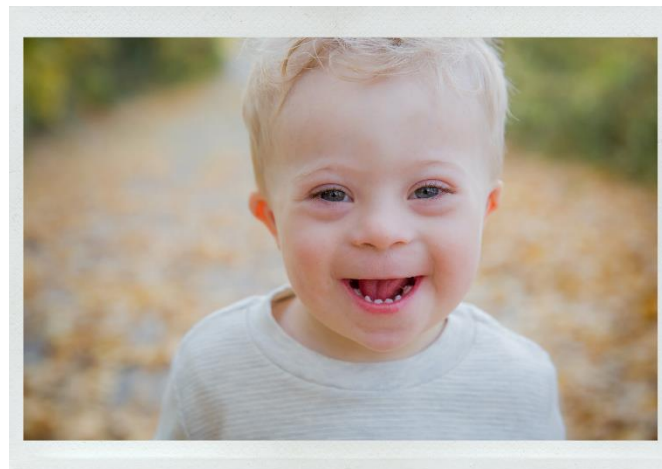
This bill prohibits discrimination against a potential organ transplant recipient based solely on a physical or mental disability.

Although the Americans with Disabilities Act of 1990 prohibits discrimination against persons with disabilities, many individuals with disabilities still experience discrimination in obtaining life-saving organ transplants because of assumptions regarding their quality of life or their ability to comply with complex post-transplant medical requirements—even when individuals may have effective support systems that ensure compliance.

The bill specifically provides that an individual who is a candidate to receive an anatomical gift or organ transplant will not be deemed ineligible or denied insurance coverage based on the individual's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician or surgeon to be medically significant to the provision of the anatomical gift or organ transplant.

If an individual has the necessary support system to assist in complying with post-transplant medical requirements, the individual's inability to independently comply with those requirements will not be deemed medically significant. The term "disability" has the same meaning in the bill as in the federal Americans with Disabilities Act of 1990.

The bill requires a court to accord priority on its calendar, and handle expeditiously, an action brought to seek any remedy authorized by law for purposes of enforcing compliance with the bill. In addition, the provisions of the bill shall not be deemed to require referrals or recommendations for, or the performance of, medically inappropriate organ transplants.



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