

135.192 Protections of certain prospective recipients of anatomical gifts.

1. A hospital, physician, or other person shall not determine the ultimate recipient of an anatomical gift based upon a potential recipient's disability, except to the extent that the disability has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

2. [Subsection 1](#) shall apply to each part of the anatomical gift process including all of the following:

a. The referral from a primary care provider to a specialist.

b. The referral from a specialist to a transplant center.

c. The evaluation of the patient for the transplant by the transplant hospital.

d. The consideration of the patient for placement on the list of potential transplant recipients pursuant to [42 C.F.R. §121.7](#).

3. A person with a disability shall not be required to demonstrate postoperative independent living abilities in order to be placed on the list of potential transplant recipients pursuant to [42 C.F.R. §121.7](#) if there is evidence that the person will have sufficient, compensatory support and assistance.

4. A court shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with [this section](#).

5. [This section](#) shall not be deemed to require referrals or recommendations for, or the performance of, a medically inappropriate transplant of a part.

6. As used in [this section](#):

a. "*Anatomical gift*" means the same as defined in [section 142C.2](#).

b. "*Disability*" means the same as defined in the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

[2020 Acts, ch 1101, §1](#)

NEW section