

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](#)