

House File 2118 - Introduced

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BY WHEELER

A BILL FOR

1 An Act relating to protections for certain potential recipients
2 of anatomical gifts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 142C.10B Protections of certain
2 prospective recipients of anatomical gifts.

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

10 2. Subsection 1 shall apply to each part of the anatomical
11 gift process including all of the following:

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

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

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

17 d. The consideration of the patient for placement on the
18 Iowa donor registry.

19 3. A person with a disability shall not be required to
20 demonstrate postoperative independent living abilities in order
21 to have access to an anatomical gift if there is evidence that
22 the person will have sufficient, compensatory support and
23 assistance.

24 4. A court shall accord priority on its calendar and handle
25 expeditiously any action brought to seek any remedy authorized
26 by law for purposes of enforcing compliance with this section.

27 5. This section shall not be deemed to require referrals
28 or recommendations for, or the performance of, a medically
29 inappropriate transplant of a part.

30 6. As used in this section, "disability" means the same as
31 defined in the federal Americans with Disabilities Act of 1990,
32 42 U.S.C. § 12101 et seq.

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EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill relates to the uniform anatomical gift Act by
2 prohibiting a hospital, physician, procurement organization,
3 or other person from determining the ultimate recipient of an
4 anatomical gift based upon a potential recipient's disability,
5 except to the extent that the disability has been found by a
6 physician, following a case-by-case evaluation of the potential
7 recipient, to be medically significant to the provision of
8 the anatomical gift. The prohibition applies to each part of
9 the anatomical gift process and provides that a person with a
10 disability shall not be required to demonstrate postoperative
11 independent living abilities in order to have access to an
12 anatomical gift if there is evidence that the person will have
13 sufficient, compensatory support and assistance. The bill
14 provides that a court shall accord priority on its calendar
15 and handle expeditiously any action brought to seek any remedy
16 authorized by law for purposes of enforcing compliance with
17 the bill. The bill is not to be deemed to require referrals
18 or recommendations for, or the performance of, medically
19 inappropriate transplants of a part (an organ, an eye, or
20 tissue of a human being). The bill defines "disability" as
21 having the same meaning as used in the federal Americans with
22 Disabilities Act of 1990.