

House File 2561 - Introduced

HOUSE FILE 2561
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 2118)

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. 135.192 Protections of certain
2 prospective recipients of anatomical gifts.

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

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

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

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

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

16 d. The consideration of the patient for placement on the
17 list of potential transplant recipients pursuant to 42 C.F.R.
18 §121.7.

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

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

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

31 6. As used in this section:

32 a. "Anatomical gift" means the same as defined in section
33 142C.2.

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

1 seq.

2 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor may
3 designate section 135.192, as enacted in this Act, as a new
4 subchapter within chapter 135, entitled "PROTECTIONS FOR
5 POTENTIAL RECIPIENTS OF ANATOMICAL GIFTS".

6 EXPLANATION

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

9 This bill relates to certain potential recipients of
10 anatomical gifts.

11 The bill prohibits a hospital, physician, or other person
12 from determining the ultimate recipient of an anatomical gift
13 based upon a potential recipient's disability, except to the
14 extent that the disability has been found by a physician,
15 following a case-by-case evaluation of the potential recipient,
16 to be medically significant to the provision of the anatomical
17 gift. The prohibition applies to each part of the anatomical
18 gift process and provides that a person with a disability
19 shall not be required to demonstrate postoperative independent
20 living abilities in order to be placed on the national list
21 of potential transplant recipients if there is evidence that
22 the person will have sufficient, compensatory support and
23 assistance. The bill provides that a court shall accord
24 priority on its calendar and handle expeditiously any action
25 brought to seek any remedy authorized by law for purposes of
26 enforcing compliance with the bill. The bill is not to be
27 deemed to require referrals or recommendations for, or the
28 performance of, medically inappropriate transplants of a part
29 (an organ, an eye, or tissue of a human being). The bill
30 defines "anatomical gift" as having the same meaning as under
31 Code chapter 142C (revised uniform anatomical gift Act) and
32 "disability" as having the same meaning as used in the federal
33 Americans with Disabilities Act of 1990.