

HB 2839 -A2 STAFF MEASURE SUMMARY

Senate Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 5/18

WHAT THE MEASURE DOES:

Prohibits covered entities including health care service organizations, licensed health professionals and health insurers from determining an individual ineligible to receive an organ transplant due to a disability, if the individual meets the eligibility requirements for a transplant. Requires entities to ensure qualified individuals with a disability are not denied medical services or other services related to a transplant. Specifies process for judicial review of claim brought under Act. Declares emergency, effective on passage.

FISCAL: Minimal fiscal impact.

REVENUE: No revenue impact.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A2 Clarifies individuals receiving services at Oregon Health and Science University (OHSU) may file a claim if measure is enacted.

BACKGROUND:

It has been reported that individuals with mental or physical disabilities are denied access to life-saving organ transplants due to their disability. A 2008 survey conducted among 88 transplant centers in the United States found that pediatric transplant centers consider neurodevelopment status in determining whether an individual was eligible for a transplant. Federal law including the Americans with Disabilities Act (ADA) does not expressly prohibit health care providers or medical centers from considering a disability in selecting individuals for a transplant.

In recent years, California, Massachusetts, Maryland and New Jersey have enacted legislation prohibiting discrimination in organ transplants against people with disabilities. In 2016, members of Congress sent a letter to the Department of Health and Human Services (DHS) requesting the agency to issue guidance on organ transplant discrimination with regards to individuals with disabilities, specifically stating that the organ transplant discrimination violates the ADA.

House Bill 2839-A prohibits an entity from considering any disability of a potential organ transplant recipient.