

# HB2839: Organ Transplants for People with Disabilities

---

## Background:

- Individuals with mental or physical disabilities have been denied access to life-saving organ transplants on the basis of their disability – in Oregon and elsewhere – due to:
  - Generalized assumptions that the disabled are incapable of participating in a transplant operation without considering supports and other assistance to compensate for their disability; or
  - Beliefs that the lives of disabled individuals are less worthy
- In 2012, a young boy from Eugene with severe autism who was unable to speak underwent successful heart transplantation surgery in California, after being unable to access treatment in Oregon
  - This child's case demonstrates that even a patient with significant disabilities can be treated successfully and can comply with rigorous post-transplant medical requirements, with appropriate supports and accommodations
- California and New Jersey have adopted specific legislation prohibiting discrimination in organ transplants against the disabled
  - Both states passed their legislation after individuals with disabilities overcame institutional obstacles to be successful transplant recipients

## Key Elements of New Legislation:

- Provides a specific and straightforward rule prohibiting discrimination on the basis of disability – unless the disability is determined to be medically significant
- Establishes an expedited judicial review process to quickly resolve claims of discrimination
- With proposed amendment:
  - Require consideration of the patient's support system in determining the patient's ability to comply with post-transplant medical requirements
  - Prohibit discrimination on the basis of age in addition to disability

## For More Information, Contact:

Paul Terdal

[paul@AutismInsuranceOR.org](mailto:paul@AutismInsuranceOR.org)