HOUSE BILL 96

J1 2lr0682 (PRE–FILED)

By: Delegate Shetty

AN ACT concerning

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Requested: October 7, 2021

Introduced and read first time: January 12, 2022 Assigned to: Health and Government Operations

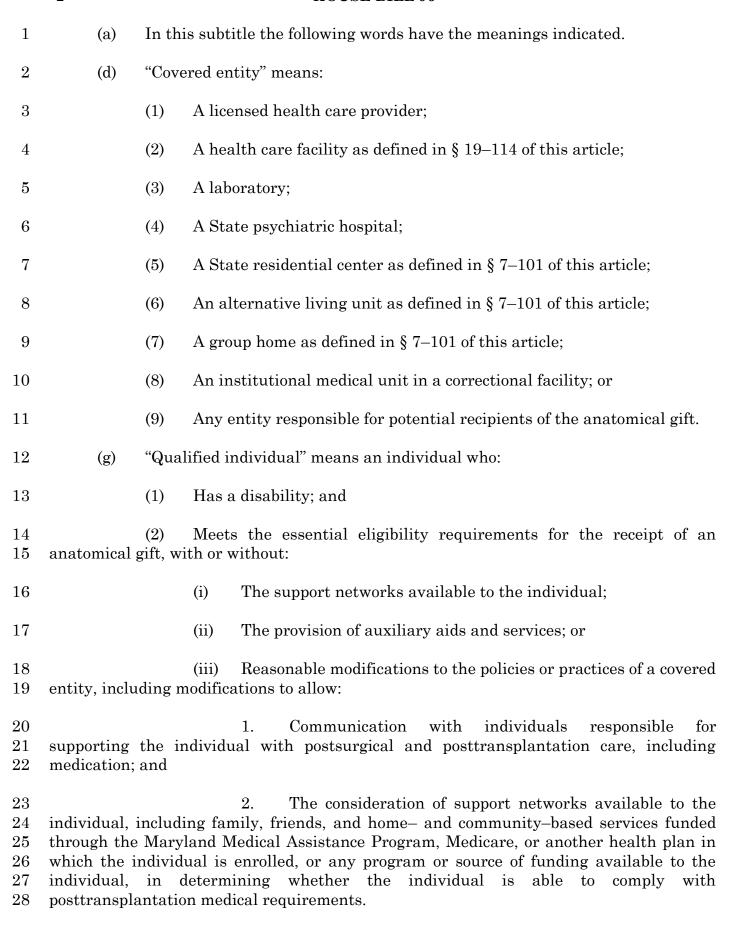
A BILL ENTITLED

Transplantation – Financial Status

2	Public Health - Nondiscrimination in Access to Anatomical Gifts and Organ

FOR the purpose of prohibiting covered entities from taking certain actions regarding organ transplantation and anatomical gifts solely on the basis of an individual's financial status; requiring, except under certain circumstances, covered entities to make certain modifications to policies, practices, and procedures to allow an individual with financial issues access to services related to organ transplantation; and generally relating to nondiscrimination in access to anatomical gifts and organ transplantation.

- 11 BY repealing and reenacting, without amendments,
- 12 Article Health General
- 13 Section 20–1601(a), (d), and (g)
- 14 Annotated Code of Maryland
- 15 (2019 Replacement Volume and 2021 Supplement)
- 16 BY repealing and reenacting, with amendments.
- 17 Article Health General
- 18 Section 20–1605
- 19 Annotated Code of Maryland
- 20 (2019 Replacement Volume and 2021 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23 Article Health General
- 24 20–1601.



1 20–1605.

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- 2 (a) A covered entity may not solely on the basis of an individual's disability **OR** 3 **FINANCIAL STATUS**:
- 4 (1) Consider a qualified individual **OR ANY OTHER INDIVIDUAL** ineligible 5 to receive an anatomical gift or organ transplant;
- 6 (2) Deny medical and other services related to organ transplantation, 7 including evaluation, surgery, counseling, and posttransplantation treatment and services;
- 8 (3) Refuse to refer the individual to a transplant center or a related 9 specialist for the purpose of evaluation or receipt of an organ transplant;
- 10 (4) Refuse to place a qualified individual **OR ANY OTHER INDIVIDUAL** on an organ transplant waiting list; or
- 12 (5) Place a qualified individual **OR ANY OTHER INDIVIDUAL** at a lower–priority position on an organ transplant waiting list than the position at which the qualified individual **OR OTHER INDIVIDUAL** would have been placed if not for the disability **OR THE INDIVIDUAL'S FINANCIAL STATUS**.
- (b) (1) Subject to paragraph (2) of this subsection, a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.
 - (2) If an individual has the necessary support system to assist the individual in complying with posttransplantation medical requirements, a covered entity may not consider the individual's inability to independently comply with the posttransplantation medical requirements to be medically significant for the purposes of paragraph (1) of this subsection.
 - (c) A covered entity shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to allow an individual with a disability **OR FINANCIAL ISSUES** access to services, including transplantation—related counseling, information, coverage, or treatment, unless the covered entity can demonstrate that making the modifications would fundamentally alter the nature of the services.
- 31 (d) A covered entity shall take such steps as may be necessary to ensure that an 32 individual with a disability is not denied services, including transplantation—related 33 counseling, information, coverage, or treatment, due to the absence of auxiliary aids and 34 services, unless the covered entity can demonstrate that taking the steps would 35 fundamentally alter the nature of the services being offered or would result in an undue 36 burden.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.