

S.F. No. 875 – Nondiscrimination in access to organ transplants

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Overview

S.F. 875 prohibits a health carrier, health care providers, and other entities from making coverage or treatment decisions related to organ transplants or anatomical gifts based on the individual's disability. This bill also authorizes an individual who has been subjected to discrimination to initiate a civil action for injunctive relief and recovery of costs.

Summary

Section 1. Nondiscrimination in access to transplants. Adds a statute addressing nondiscrimination related to organ transplants to a chapter regulating health insurance.

Subdivision 1. Definitions. Defines “covered person,” “disability,” “group health plan,” “health carrier,” “health plan,” “individual health plan,” and “organ transplant.”

Subd. 2. Transplant discrimination prohibited. Prohibits a health carrier that provides coverage for anatomical gifts and organ transplants from: (1) denying coverage based on the person's disability; (2) denying eligibility, enrollment, or renewal solely to avoid the requirements of this section; (3) penalizing an attending provider or otherwise inducing the provider to provide care in a manner inconsistent with this section; or (4) reducing or limiting coverage benefits to a patient related to organ transplantation.

Subd. 3. Collective bargaining. Provides that any amendment made to a plan pursuant to a collective bargaining agreement relating to the plan solely to conform to this section shall not be treated as a termination of the agreement.

Subd. 4. Coverage limitation. Clarifies that this section does apply to medically inappropriate organ transplants.

Sec. 2. Nondiscrimination in access to transplants. Adds a statute addressing nondiscrimination related to organ transplants to the Minnesota Human Rights Act.

Subd. 1. Public policy. Provides legislative findings.

Subd. 2. Definitions. Defines “anatomical gifts,” “auxiliary aids and services,” “covered entity,” “disability,” “organ transplant,” “qualified individual,” “reasonable modifications to policies or practices,” and “supported decision making.”

Subd. 3. Prohibition of discrimination. Prohibits a covered entity, solely on the basis of a qualified individual’s mental or physical disability, from: (1) deeming an individual ineligible to receive an anatomical gift or organ transplant; (2) denying medical services; (3) refusing to refer the individual to a transplant center or specialist; (4) refusing to place the individual on an organ transplant waiting list or placing the individual on a lower-priority position on the list; (5) declining insurance coverage for procedures related to the anatomical gift or organ transplant.

Authorizes the covered entity to take an individual’s disability into account for treatment of coverage decisions if a physician has found the disability to be medically significant to the provision or the anatomical gift or organ transplant. Requires a covered entity to make reasonable modification to policies and procedures to make transplant-related services available to qualified individuals with disabilities. The covered entity must ensure that such services are not denied to a qualified individual because of the absence of auxiliary aids and services.

Subd. 4. Enforcement. Authorizes an individual to initiate a civil action to enjoin further violations and recover the cost of suit. This section does not create a right to compensatory or punitive damages. A court must prioritize an action under this section and require the covered entity to make auxiliary aids and services available; make modifications to a policy, practice, or procedures; and make facilities readily accessibly and usable.