
TCDD 2013 Public Policy Recommendation

PROHIBIT ORGAN RECIPIENT DISCRIMINATION

The State of Texas should prohibit transplant facilities from discriminating against a prospective organ transplant recipient solely on the basis of a disability.

An individual who is a candidate to receive an organ transplant should not be deemed ineligible to receive an organ solely because of the individual's physical, developmental, mental health or intellectual disability, except to the extent that disability has been found by a physician or surgeon, following an individualized evaluation of the potential recipient, to be medically significant to the provision of the organ. If an individual has the necessary support system to assist in complying with post-transplant medical requirements, an individual's inability to independently comply with those requirements should not be deemed to be medically significant.

A 2006 study demonstrates that patients with cognitive disabilities are equally likely to have successful organ transplants as other patients. However, in 2012, two people received national media attention after being denied life saving organ transplants based on a disability diagnosis rather than universally accepted medical criteria for transplant exclusion.

A New Jersey three-year-old with a rare genetic disorder was denied a kidney transplant from her mother based on the child's intellectual disability. A Children's Hospital of Philadelphia medical committee denied Amelia Rivera the transplant because she is "mentally retarded" and has "brain damage."

Penn Medicine denied Paul Corby, a 23-year-old man with autism, a heart transplant. His denial specifically cited "his psychiatric issues, autism, the complexity of the process and multiple procedures and the unknown and unpredictable effect of steroids on behavior."

Texas Statute does not address the conditions under which a potential organ transplant recipient may be approved or denied. Although the United Network for Organ Sharing (UNOS) established guidelines that transplant centers must follow, each transplant facility creates its own policies for determining selection of patients for receiving organs.