



Sen. Jason A. Barickman

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10200SB0500sam001

LRB102 14520 LNS 23041 a

1 AMENDMENT TO SENATE BILL 500

2 AMENDMENT NO. _____. Amend Senate Bill 500 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Anatomical Gift Act is amended by
5 changing Section 5-15 as follows:

6 (755 ILCS 50/5-15) (was 755 ILCS 50/4.5)

7 Sec. 5-15. Disability of recipient.

8 (a) A hospital, physician and surgeon, procurement
9 organization, or other person shall not, solely on the basis
10 of an individual's mental or physical disability:

11 (1) deem an individual ineligible to receive an
12 anatomical gift or organ transplant;

13 (2) deny medical and other services related to organ
14 transplantation, including evaluation, surgery,
15 counseling, postoperative treatment, and services;

16 (3) refuse to refer the individual to a transplant

1 center or other related specialist for the purpose of
2 evaluation for or receipt of an organ transplant;

3 (4) refuse to place an individual on an organ
4 transplant waiting list or place an individual at a lower
5 priority position on the waiting list than the position at
6 which the individual would have been placed if not for the
7 individual's disability;

8 (5) decline insurance coverage for any procedure
9 associated with the receipt of the anatomical gift,
10 including posttransplantation care; or

11 (6) if an individual has the necessary support system
12 to assist the individual in complying with posttransplant
13 medical requirements, consider the individual's inability
14 to independently comply with posttransplant medical
15 requirements to be medically significant for the purposes
16 of subsection (a-5).

17 A covered entity shall make reasonable modifications to
18 its policies, practices, or procedures to allow individuals
19 with disabilities access to transplantation-related services,
20 including diagnostic services, surgery, coverage,
21 postoperative treatment, and counseling, unless the covered
22 entity can demonstrate that making such modifications would
23 fundamentally alter the nature of such services.

24 A covered entity shall take steps necessary to ensure that
25 an individual with a disability is not denied medical services
26 or other services related to organ transplantation, including

1 diagnostic services, surgery, postoperative treatment, or
2 counseling, due to the absence of auxiliary aids or services,
3 unless the covered entity demonstrates that taking the steps
4 would fundamentally alter the nature of the medical services
5 or other services related to organ transplantation or would
6 result in an undue burden for the covered entity.

7 (a-5) Notwithstanding subsection (a), a hospital,
8 physician and surgeon, procurement organization, or other
9 person may take an individual's disability into account when
10 making treatment or coverage recommendations or decisions
11 solely to the extent that the physical or mental disability
12 has been found by a physician or surgeon, following an
13 individualized evaluation of the potential recipient, to be
14 medically significant to the provision of the anatomical gift.

15 ~~No hospital, physician and surgeon, procurement organization,~~
16 ~~or other person shall determine the ultimate recipient of an~~
17 ~~anatomical gift based upon a potential recipient's physical or~~
18 ~~mental disability, except to the extent that the physical or~~
19 ~~mental disability has been found by a physician and surgeon,~~
20 ~~following a case-by-case evaluation of the potential~~
21 ~~recipient, to be medically significant to the provision of the~~
22 ~~anatomical gift.~~

23 (b) Subsection (a) shall apply to each part of the organ
24 transplant process.

25 (c) The court shall accord priority on its calendar and
26 handle expeditiously any action brought to seek any remedy

1 authorized by law for purposes of enforcing compliance with
2 this Section.

3 (d) This Section shall not be deemed to require referrals
4 or recommendations for or the performance of medically
5 inappropriate organ transplants.

6 (e) As used in this Section "disability" has the same
7 meaning as in the federal Americans with Disabilities Act of
8 1990 (42 U.S.C. 12101 et seq., Public Law 101-336) as may be
9 amended from time to time.

10 (Source: P.A. 98-172, eff. 1-1-14.)".