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### **Testimony Neither For Nor Against LD 1055**

An Act to Prohibit Discrimination in Access to Anatomical Donations and Organ Transplants  
March 27, 2025

Senator Bailey, Representative Gramlich, and Members of the Health Coverage, Insurance, and Financial Services Committee.

My name is Dan Demeritt, the Executive Director of the Maine Association of Health Plans. Insurance coverages offered or administered by our member plans provide access to care and better outcomes for many of the Mainers who receive coverage through an employer plan or the individual market. Our mission as an association is to improve health by promoting affordable, safe, and coordinated health care.

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The Maine Association of Health Plans understands the intent behind L.D. 1055. Nevertheless, we have concerns about how the legislation as drafted may conflict with the established guidelines for anatomical donations and organ transplants.

#### **Medical Contraindications and the Maine Human Rights Act Definition of Disability**

Certain medical and health conditions are generally considered to be contraindications for a transplant.

Examples include active or uncontrolled alcohol use disorder or substance use disorder, metastatic cancer, systemic illness or comorbidities that would be expected to substantially negatively impact the successful completion and/or outcome of transplant surgery, a pattern of demonstrated patient noncompliance which would place a transplanted organ at serious risk of failure, and human immunodeficiency virus (HIV) disease when certain criteria are not met.<sup>1</sup>

Many of these conditions fall under the definition of disability under the Maine Human Rights Act.<sup>2</sup> Under this legislation, providers would be required to perform and carriers would be required to provide coverage for transplants even when these contraindications are present.

#### **Add Clear Exemptions for Contradiction**

The proposed legislation provides an exception clause for health care facilities and providers if, following an individualized evaluation of the individual, the disability is determined to be medically significant to the provision of the anatomical gift or organ transplant (P.2, Line 11).

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<sup>1</sup> [https://journals.lww.com/transplantjournal/fulltext/2001/05150/guidelines\\_for\\_the\\_referral\\_and\\_management\\_of.1.aspx](https://journals.lww.com/transplantjournal/fulltext/2001/05150/guidelines_for_the_referral_and_management_of.1.aspx)

<sup>2</sup> <https://www.mainelegislature.org/legis/statutes/5/title5ch337.pdf>, Title 5 §4553-A. Physical or Mental Disability Defined

If the Committee is interested in pursuing this legislation, we would suggest that this language be amended to make it clear that the exception applies when the individual's disability constitutes a contraindication for a transplant, as set forth in national guidelines established by the American Society of Transplantation or similar organizations.

We also suggest that a similar coverage exception be added to the bill in Section 2, which would enact §4320-L, sub-§4 in Title 24-A (P.3, Line 10).

Thank you for your consideration.