



National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

April 7, 2021

Representative Jaime Herrera Beutler
U.S. House of Representatives
2352 Rayburn House Office Building
Washington, DC 20515

Representative Katie Porter
U.S. House of Representatives
1117 Longworth House Office Building
Washington, DC 20515

Dear Representatives Herrera Beutler and Porter:

As the Chair of the National Council on Disability (NCD), I write to thank each of you for the introduction of the Charlotte Woodward Organ Transplant Discrimination Prevention Act (H.R. 1235). H.R. 1235 will prohibit doctors, hospitals, transplant centers and other healthcare providers from denying qualified people with disabilities the opportunity to access life-saving organ transplants solely on the basis of disability.

As advisors to the President, his administration, Congress and the heads of federal agencies on disability policy matters, NCD examined organ transplant discrimination as part of our 2019 *Bioethics and Disability Series* and published our findings and recommendations in our report, *Organ Transplant Discrimination Against People with Disabilities*.¹ Our investigation found that although federal and state laws prohibit organ transplant discrimination, people with disabilities are often denied equal access to organ transplants because of discriminatory assumptions that their lives are of poorer quality than those of people without disabilities, in addition to the misconceptions about the ability of people with disabilities to comply with post-operative care. Due to these findings, NCD recommended that the Department of Justice, in conjunction with the Department of Health and Human Services, clarify that Titles II and III of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and Section 1557 of the Patient Protection and Affordable Care Act apply to organ transplant centers and hospitals. H.R. 1235 is the type of legislation we recommended in our 2019 report.

As we work toward the day when healthcare professionals no longer discriminate against people with disabilities on the basis of their disabilities, and no longer view the lives of persons with disabilities to be lesser than those without, H.R. 1235 is needed.

¹ NATIONAL COUNCIL ON DISABILITY, *Organ Transplant Discrimination Against People with Disabilities* (2019), available at https://ncd.gov/sites/default/files/NCD_Organ_Transplant_508.pdf.

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NCD commends each of you for your work on H.R. 1235. We thank you also for mentioning NCD's efforts to document the pervasive discrimination in organ transplantation in H.R. 1235's findings. We look forward to its passage in order to ensure that people with disabilities have equal access to life-saving medical care. If we can be of assistance in ensuring its passage, please do let us know.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrés J. Gallegos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrés J. Gallegos
Chairman, National Council on Disability