WEST VIRGINIA CODE: §16-65-1

§16-65-1. Legislative intent.

The Legislature finds that:

(1) A mental or physical disability does not diminish a person’s right to health care;

(2) The “Americans with Disabilities Act of 1990” prohibits discrimination against persons with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care services;

(3) Individuals with mental and physical disabilities have historically been denied life-saving organ transplants based on assumptions that their lives are less worthy, that they are incapable of complying with post-transplant medical regimens, or that they lack adequate support systems to ensure such compliance;

(4) Although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in Medicare, Medicaid, and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs; and

(5) West Virginia residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.

WV Legislature