



## House Children & Seniors Committee

February 16, 2017

Mr. Chairman and members of the Committee:

Thank you for allowing me to testify in support of HB 2343. My name is Eric Harkness. I am President of the Board of Directors of NAMI Kansas, the state organization of the National Alliance on Mental Illness. I am here testifying on behalf of NAMI Kansas as a self-advocate.

People with disabilities, including but not limited to mental illness, should not be discriminated against and denied access to organ transplants just because they have a disability.

Below are some horrifying facts noting the extent of the discrimination and why this bill is needed:

- The researcher Masterston found that doctors unfortunately share the public's prejudice against people with mental illness.<sup>1</sup>
- A survey of transplant centers found that active schizophrenia was an “absolute contraindication” to transplantation in 92% of cardiac units, 67% of liver units, and 73% of renal units.<sup>2</sup>
- “Controlled schizophrenia” was contraindicated in 51%, 65%, and 62% respectively.
- During an 11-year period of a heart transplantation program in Montreal, 226 transplants were completed and 28 people were denied the procedure on the basis of a psychiatric diagnosis.<sup>3</sup>

Orentlicher had previously pointed out that denial of transplantation on the basis of schizophrenia or non-compliance violated the Americans with Disabilities Act.<sup>5</sup> However, getting those rights enforced in federal law is hard. You’ve heard the phrase “make a federal case” out of something? Well, that phrase most likely came about because it is very difficult, time consuming, and expensive to file a case in federal court, on issues like the Americans with Disabilities Act. That is why several states have passed similar laws to the bill before you today, to proactively put in state law and state policy these rights and protections.

If someone is medically justified to receive a transplant, it should never matter what their disability or psychiatric “label” happens to be.

Thank you for your attention to this life-saving issue. I hope you will pass this bill favorably.

## References cited in this testimony:

1. Masterston G. Psychosocial factors in selection for liver transplantation. *BMJ*. 2000;320:263–264. . (29 January.) [[PMC free article](#)] [[PubMed](#)]
2. Levenson JL, Oldbrisch ME. Psychosocial evaluation of organ transplant candidates. *Psychosomatics*. 1993;34:314–323. [[PubMed](#)]
3. Phipps L. Psychiatric evaluation and outcomes in candidates for heart transplantation. *Clin Invest Med*. 1997;29:388–395. [[PubMed](#)]
4. American Psychiatric Association. Position statement on discrimination against persons with previous psychiatric treatment. *Am J Psychiatry*. 1997;154:7. [[PubMed](#)]
5. Orentlicher D. Psychosocial assessment of organ transplant candidates and the Americans with Disabilities Act. *Gen Hosp Psychiatry*. 1996;18(suppl 6):5–12. [[PubMed](#)]