



**State Representative Jon Cross
District 83**

**State Representative Brian Lampton
District 73**

**HB 188 – Sponsor Testimony
Senate Insurance Committee
15 September 2021**

Representative Lampton:

Chair Hackett, Vice-Chair Romanchuk, Ranking Member Craig, and members of the Senate Insurance Committee, thank you for the opportunity to provide testimony on HB 188 with my joint sponsor, Representative Cross. Under this legislation, insurance companies will be prohibited from denying or limiting disability insurance, life insurance, and long-term care insurance to living organ donors. It would also prohibit charging higher premiums based solely, and without any additional actuarial risks, on that person's status as a living organ donor.

As of March 18, 2021, the Organ Procurement and Transplantation Network Database reported 7,360 living donors were Ohio residents and donated organs between January 1, 1988, and March 18, 2021¹. Under current state law, it is legal for these individuals to be denied disability insurance, life insurance, and long-term care insurance. As an active insurance agent, I understand this is not the intention of insurance providers. Insurance providers operate best when looking at actual actuarial risk. However, many living organ donors do not face adverse health complications due to their lifesaving organ donation. According to the American Transplant Foundation, for kidney donors, there is only a 1% lifetime

¹<https://optn.transplant.hrsa.gov/data/view-data-reports/build-advanced/>

²<https://www.americantransplantfoundation.org/about-transplant/living-donation/about-living-donation/>

³ <https://pubmed.ncbi.nlm.nih.gov/25041695/>

increase in the donor's own risk of kidney failure. To put this into perspective, the general population has a 3% risk for kidney failure². It is important we do everything we can to encourage individuals to donate lifesaving organs, which includes access to coverage.

Lack of insurance protection and higher premiums are barriers for those wanting to donate life-saving organs. According to a study cited by the National Kidney Foundation, 25% of organ donors who initiated or tried to change life insurance were rejected or changed to higher premiums based on organ donation³. Currently, 14 other states, including Illinois, Missouri, and Arizona, have similar laws that protects living organ donors from disruptions in their disability, life, and long-term care insurance coverage. Providers are able to continue coverage in these states for living organ donors without adverse effects on the industry. We believe it is time for Ohio to prohibit charging higher premiums and denying coverage based solely, and without any additional actuarial risks, on that person's status as a living organ donor.

Representative Cross:

Thank you Representative Lampton. I'm very thankful to be a joint sponsor alongside you with your knowledge and expertise in this industry. This is a crucial piece of legislation to assist our constituency that has helped others with their selfless acts of kindness.

According to a 2007 Study by the American Journal of Transplantation, as many as 11% of living organ donors experience difficulty securing or paying for insurance after their procedures because of discriminatory practices. Further, a 2014 study by Johns Hopkins University showed that one fourth of living donors for Kidney transplants experienced problems obtaining or changing life insurance because of their decision to donate. More specifically 12% of those that tried to change life insurance were denied altogether, 15% were charged a higher premium, and 9% were told they had a preexisting condition because they were kidney donors.

House Bill 188 is not only a win for organ donors, but also for fiscal responsibility. Each year, Medicare spends \$87,000 per dialysis patient. \$32,500 is the cost for a transplant patient – less than half. There is no fiscal impact to the State of Ohio because it will only result in policy changes for insurance companies.

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This legislation is common sense to protect donors and I am proud to champion this issue with Representative Lampton.

Chair Hackett, Vice-Chair Romanchuk, Ranking Member Craig, and members of the Senate Insurance Committee, thank you for the opportunity to present testimony on HB 188. We are happy to answer any questions committee members may have at this time.

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