

§ 130A-414.2. Definitions.

The following definitions apply in this Part:

- (1) Anatomical gift. – A donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation or transfusion.
- (2) Auxiliary aids or services. – An aid or service that is used to provide information to an individual with a cognitive, developmental, intellectual, neurological, or physical disability and is available in a format or manner that allows the individual to better understand the information. An auxiliary aid or service may include any of the following:
 - a. Qualified interpreters or other effective methods of making aurally delivered materials available to persons with hearing impairments.
 - b. Qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to persons with visual impairments.
 - c. Supported decision-making services, including any of the following:
 1. The use of a support individual to communicate information to the individual with a disability, ascertain the wishes of the individual, or assist the individual in making decisions.
 2. The disclosure of information to a legal guardian, authorized representative, or another individual designated by the individual with a disability for such purpose, as long as the disclosure is consistent with State and federal law, including sections 261 through 264 of the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended, and any federal regulations adopted to implement these sections.
 3. If an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual's health care and that medical decisions are in accordance with the individual's own expressed interests.
 4. Any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental, or intellectual disabilities, including assistive communication technology.
- (3) Covered entity. – Any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers.
- (4) Disability. – As defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102 et seq., as amended.
- (5) Organ transplant. – The transplantation or transfusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.
- (6) Qualified recipient. – Any individual who has a disability and meets the essential eligibility requirements for the receipt of an anatomical gift with or without any of the following:

- a. Individuals or entities available to support and assist the individual with an anatomical gift or transplantation.
- b. Auxiliary aids or services.
- c. Reasonable modifications to the policies, practices, or procedures of a covered entity, including modifications to allow for either or both of the following:
 - 1. Communication with one or more individuals or entities available to support or assist with the recipient's care and medication after surgery or transplantation.
 - 2. Consideration of support networks available to the individual, including family, friends, and home and community-based services, including home and community-based services funded through Medicaid, Medicare, another health plan in which the individual is enrolled, or any program or source of funding available to the individual, when determining whether the individual is able to comply with post-transplant medical requirements. (2021-64, s. 2(a).)