

# The MTN Minute

*A review of the legislation and policies impacting organ, eye and tissue donation*

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## A Message From the Editor

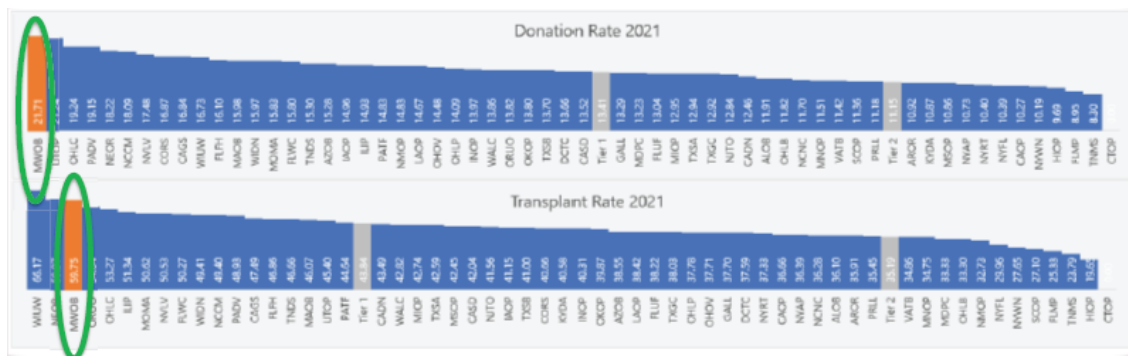
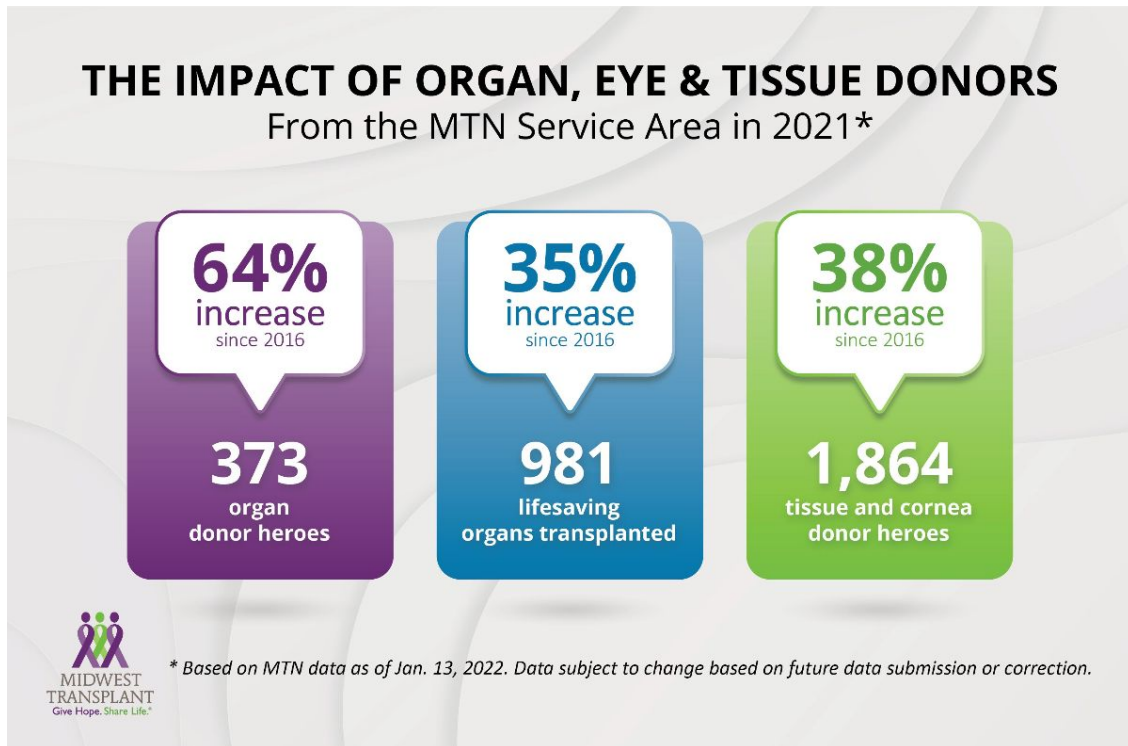
Dear readers,

I am thrilled to present you with a summary of recent legislative activities at MTN and delve into the legislation and policies we have been following since January of this year. State and federal assemblies have returned to business as usual following the peak of the COVID-19 pandemic, so MTN staff members have been busy conducting in-person meetings and events with elected officials. MTN President/Chief Executive Officer Jan Finn, RN, MSN, and I had the honor of educating legislators in Washington, D.C., about the issues impacting organ, eye and tissue donation and transplantation in western Missouri and Kansas last fall and this spring. During these visits, we attended more than 10 meetings with the offices of Senators Blunt, Hawley, Marshall and Moran; Congresswomen Hartzler and Davids; and Congressmen Cleaver, Luetkemeyer and Long.



This session, federal legislators were focused on organ procurement organization (OPO) performance and accountability, which permitted us to tout MTN's record-breaking performance. In 2021, MTN ranked No. 1 for organ donation rates as compared to the 56

other federally designated OPOs nationally, and MTN ranked No. 3 for transplant rates. Last year, the U.S transplantation system also broke records with over [40,000 lifesaving transplants](#), including record numbers of kidney, heart and liver transplants.



We also used the opportunity to educate elected leaders about the OPO community’s increased focus on equity and improvement, including the Association of Organ Procurement Organization’s (AOPO’s) campaign to achieve 50,000 annual transplants nationally by 2026 and a report published by the National Academy of Sciences, Engineering and Medicine (NASEM). The NASEM report outlined recommendations to improve performance within the donation and transplantation community as well as equity and organ utilization. Further, we discussed emerging issues with legislators, such as shortages of organ preservation solutions because of coronavirus-pandemic-related supply chain issues.

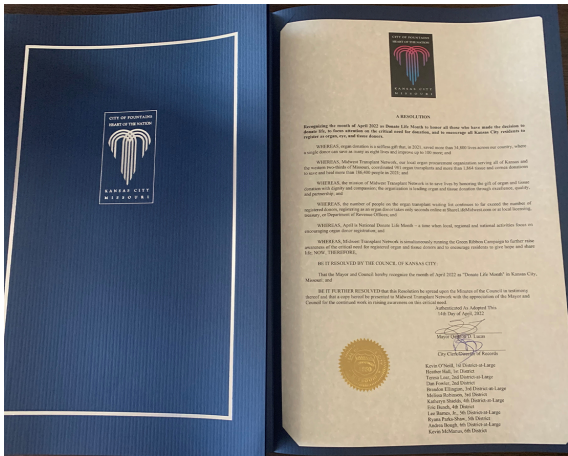
I am also excited to share photos of MTN’s participation in several governmental celebrations to memorialize April’s National Donate Life Month. Missouri’s General Assembly recognized donor heroes, and the City of Kansas City honored them during an April 14 City Council meeting.



From left: MTN Community Engagement Coordinator Nichole Asquith; MTN Chief Stakeholder Engagement Officer Sarah Oland, LMSW; Kansas City, Missouri, First District Councilwoman Heather Hall; MTN General Counsel Salama Gallimore; and donor family members



Kansas City, Missouri, Mayor Quinton Lucas (left), watches with Oland (far right) and donor family members as Asquith delivers remarks following the Council's proclamation recognizing April 2022 as Donate Life Month



Kansas City, Missouri, officially recognized April 2022 as Donate Life Month



From left: MTN's Director, Columbia Operations Lori Clark greets donor families at the Missouri Capitol with Gallimore; heart recipient and MTN Ambassador Gary Duncan; and Asquith

May was an action-packed month as well; staff welcomed more than 100 hospital stakeholders to explore the newly constructed Donor Care and Surgical Recovery Unit (DCU) at MTN's Westwood headquarters, which is set to open in September. There is so much to be proud of at MTN and nationally, as OPOs across the country continue to engage in targeted improvement initiatives to enhance the U.S. transplantation system.

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## **Donor Care and Surgical Recovery Unit Update — Open Sept. 1!**

MTN will soon start transferring eligible donors from hospitals within MTN's donor service area to the newly built DCU. MTN will be the 11th OPO in the nation with a donor care unit/donor recovery center that is not based in a transplant hospital. Patients who are pronounced brain dead may be eligible for transport to MTN's DCU, where MTN clinical staff members will continue administering high-level critical care in the seven-bay onsite intensive care unit until surgical teams can begin organ recovery surgery in one of MTN's two state-of-the-art operating rooms.



**Pictured:**

1. Donor quilts adorn the beds inside the intensive care unit.
2. The DCU is equipped with a top-of-the-line CT scanner.
3. Operating rooms allow for organ recovery to take place at MTN.
4. Donor families can find comfort in the family lounge.

Moving donors to MTN's DCU will minimize the burden on hospitals and Medicare-certified transplant centers by freeing up ICU beds, ventilators and critical care staff to care for other medically complex patients.

Unfortunately, some transplant centers are reluctant to transfer donors to MTN's DCU because they are financially disincentivized from transferring donors to OPOs due to outdated cost report language within Medicare's guidelines, which currently state transplant centers receive a cost multiplier for transplants by inclusion of organs recovered **at** the transplant center. This language remains a disincentive for some transplant centers although Medicare guidelines provide that "usable organs" include "organs sent to OPOs," without any reference to where the organs were recovered.<sup>[1]</sup> MTN continues to advocate for the removal of this language from Section 371(b)(3) of the Public Health Act, which unnecessarily complicates the organ transplantation process.

Currently, the office of [Sen. Cynthia Lummis \(R-WY\)](#) is seeking support from other Senators for a letter urging the Centers for Medicare & Medicaid Services (CMS) to promulgate regulations allowing a hospital that transfers a donor to an OPO donor care unit to count the organs recovered at the OPO donor care unit on the hospital's cost report, with the policy change to be finalized by CMS by the end of the calendar year. Sen. Lummis' [letter](#) also supports the NASEM report's recommendations encouraging the Department of Health and Human Services (HHS) to update their organ procurement model.

[1] 42 U.S.C. § 273.

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## The NASEM Report and 50K by 2026

In February 2022, NASEM's Committee on A Fairer and More Equitable, Cost-Effective, and Transparent System of Donor Organ Procurement, Allocation, and Distribution released a 254-page report entitled "[Realizing the Promise of Equity in the Organ Transplantation System](#)." The report outlines NASEM's holistic recommendations to improve systemwide performance, equity and organ utilization.

The report targeted three main issues and accompanying suggestions to OPOs and transplant centers for improvement:

- Inequity of access to transplants
  - Improve donation and increase transplantation rates among minority and disadvantaged populations
  - Conduct ongoing culturally targeted public education campaigns to convey the need for organ donation to save lives
  - Engage in community outreach and education regarding misconceptions about organ donation and transplantation to increase the trustworthiness of the transplantation system
  - Increase the diversity of OPO workforces to better meet the needs of donor families
- Underuse of donated organs
  - Reduce the prevalence of organs recovered and not accepted for transplant
  - Increase the number of organs procured from medically complex donors
  - Increase the number of organs procured for donation after circulatory determination of death
  - Increase notice to potential organ recipients regarding organ offers made to transplant centers and increase involvement of patients in organ acceptance
- Variation and system inefficiency in system performance
  - Develop new performance metrics and a dashboard of standardized, consensus-based metrics to compare performance of donor hospitals, OPOs and transplant centers
  - Establish DCUs for each OPO
  - Increase the number of transplants to at least 50,000 by 2026



In concert with the NASEM report, AOPO announced its groundbreaking goal of reaching 50,000 transplants nationally per year by 2026. This aggressive objective represents a significant increase over current annual figures and surpasses CMS' expectation of 41,000 annual transplants during the same period by 22%.

AOPO also submitted a [letter](#) to HHS Secretary Xavier Becerra to highlight areas within the NASEM report of immediate focus as HHS develops its action strategy and begins working with partners to implement the critical objectives set forth within the report. Additionally, AOPO signed a joint statement with the United Network for Organ Sharing (UNOS), American Society of Transplantation and the American Society of Transplant Surgeons in support of the NASEM report.

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## 2022 Bill Tracker

- **Kansas SB 529 — Providing for the electronic renewal of nondrivers' identification cards**

Bill summary:

Allows the Secretary of Revenue to implement a program to permit an electronic renewal of an identification card. Such a program would require that the individual has previously provided documentation of identity, lawful presence and residence. The Division of Vehicles may rely on the most recent color digital image and signature of the applicant on file in order to renew the identification card. Electronic renewal is only permitted one time after an individual completes the ordinary renewal process. The ID would be available for electronic renewal on every other renewal cycle, the same as with the Kansas driver's license.

Sponsors:

Federal and State Affairs Committee

Status:

- Passed in the Senate
- Referred to the House
- Died in Federal and State Affairs House Committee

- **Missouri HB 1519 — Modifies provisions relating to burial of the dead**

Bill summary:

Gives jurisdiction to counties and municipalities to cover reasonable costs of funeral and burial expenses for any person who dies without means to cover said costs

Sponsors:

Ellebracht, M.

Status:

- Referred to Professional Registration and Licensing House Committee
- Died in Committee

• **Missouri HB 1861 — Creates provisions relating to COVID-19 vaccination status with respect to organ transplant procedures**

Bill summary:

Prohibits hospitals, physicians, organ procurement organizations or other persons from considering the COVID-19 vaccination status of a potential organ transplant recipient or potential organ donor in any part of the organ transplant process including but not limited to: (1) the referral of a patient to be considered for a transplant; (2) the evaluation of a patient for a transplant; (3) the consideration of a patient for placement on a waitlist; (4) a patient's particular position on a waiting list; and (5) the evaluation of a potential donor to determine his or her suitability as an organ donor.

Sponsors:

Eggleston, J.

Status:

- Passed out of the House
- Reported to Senate
- Public hearing held by the Commerce, Consumer Protection, Energy and the Environment Committee
- Died in Committee

• **Missouri HB 1949 — Modifies provisions relating to autopsies**

Bill summary:

Requires coroners and medical examiners to contact deceased's family to inform them and describe what will happen with the organ(s) or tissue(s) after examination and testing is complete.

Sponsors:

Mackey, I.

Status:

- Referred to Professional Registration and Licensing House Committee
- Died in Committee

• **Missouri HB 2163 — Authorizes the next-of-kin of a deceased person to delegate control of the final disposition of the remains**

Bill summary:

Authorizes the next-of-kin of a deceased person to delegate control of the final disposition of the remains to an agent if, at the time of delegation, the next-of-kin was 18 years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition. Amends the UAGA to remove "Spouse" from the order of priority as "next of kin" where an action for the dissolution of the marriage has been filed and is pending in a court of competent jurisdiction.

Sponsors:



Houx, D.

Status:

- Passed out of House
- Reported to Senate
- Public hearing held by General Laws Senate Committee
- Died in Committee

• **Missouri HB 2462 — Designates several health-related awareness holidays**

Bill summary:

The 16th of April each year is hereby designated as "Missouri Donate Life Day" in the state of Missouri. The citizens of this state are encouraged to participate in appropriate activities and events to increase public awareness of the need for organ donation and organ donors.

Sponsors:

Burger, J.

Status:

- Passed in the House.
- Reported to the Senate and referred to Health and Pensions Senate Committee.
- Died in Committee

• **Missouri HB 2680 — Modifies provisions relating to organ donation**

Bill summary:

Modifies definitions, removes barriers for HSS program efforts, expands fund revenue and expenditure provisions.

Sponsors:

Griffith, D.

Status:

- Referred to Rules - Administrative Oversight House Committee.
- Died in Committee

• **Missouri HB 2748 — Provides for automatic enrollment in the organ donor program for persons applying for and renewing driver's licenses, with an ability to opt out of inclusion on the registry**

Bill summary:

Provides for automatic enrollment in the organ donor program for persons applying for and renewing driver's licenses, with an ability to opt out of inclusion on the registry (presumed consent)

Sponsors:

Doll, J.

Status:

- Referred to House Transportation Committee
- Died in Committee

• **Missouri SB710 — Modifies provisions relating to healthcare**

Bill summary:

This act modifies the fund to be used by the Department for educational initiatives, donor family recognition efforts, training and other initiatives. Funds may be used to support expenses incurred by organ donation advisory committee members. The state treasurer shall invest any funds in excess of \$500,000 in the organ donor program fund. *See SB1146*

Prohibits hospitals, physicians, organ procurement organizations or other persons from considering the COVID-19 vaccination status of a potential organ transplant recipient or potential organ donor in any part of the organ transplant process. *See HB1861*

Adds the term "potential donor" throughout the Missouri Revised Uniform Anatomical Gift Act. *See RSMo. § 194.210*

*Sponsors:*

Beck, D.; Baker, B.

*Status:*

- **Signed into law by Gov. Mike Parson on June 30, 2022**

- **Missouri SB1146 — Modifies provisions relating to organ donation**

*Bill summary:*

This act modifies the fund to be used by the Department for educational initiatives, donor family recognition efforts, training and other initiatives as well as reimbursement for expenses incurred by the Organ Donation Advisory Committee. The Department shall no longer be required to disperse grants to organ procurement organizations but shall have the authority to enter into contracts with such organizations or other organizations and individuals for the development and implementation of awareness programs. Additionally, the monies in the fund shall be invested and interest earned shall be credited to the fund. The fund may seek other sources of monies, including grants, bequests and federal funds.

*Sponsors:*

Washington, B.

*Status:*

- Voted "do pass and send to Senate Progress and Development Committee
- Not referred to Committee
- Died in Chamber

- **U.S. HB 6540 — Respecting the Rights of Organ Donor Recipients Act of 2022**

*Bill summary:*

Prohibits limiting access to organ transplants based on an individual's COVID-19 vaccination status. Specifically, the Organ Procurement and Transplantation Network may not (1) request an individual's COVID-19 vaccination status when considering whether to place the individual on an organ transplant waitlist, or (2) require the vaccination for an individual to receive an organ transplant. This network is a public-private partnership that links organizations (e.g., transplantation centers and laboratories) in the organ donation and transplantation system.

*Sponsors:*

DesJarlais, S.; Norman, R.; Mast, B.; Van Drew, J.; Gohmert, L.

Status:

- Introduced in the House on Feb. 2, 2022
- Referred to the Subcommittee on Health
- Remains **pending** in Committee

- **U.S. SB 3985 — Doss's Act**

Bill summary:

Generally prohibits an individual's COVID-19 vaccination status from being taken into account for purposes of organ donation or receipt. The bill also prohibits (1) the incidence rate of COVID-19 in a geographic area from being considered in such decisions, and (2) the Organ Procurement and Transplantation Network from establishing standards that incorporate any of these factors. Additionally, as a condition of Medicare and Medicaid participation, health care providers, with specified exceptions (e.g., skilled nursing facilities), may not deny services to individuals based on COVID-19 vaccination status.

Sponsors:

Cruz, T.; Grassley, C.

Status:

- Read twice by Senate
- Referred to the Committee on Health, Education, Labor, and Pensions
- Remains **pending** in Committee

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## Federal Focus on Kidney Health and Transplantation

### **CARE for All Kidneys Act (HR 3893)**

Representatives Lisa Blunt Rochester (D-DE) and Brad Wenstrup (R-OH) introduced the Coordination, Accountability, Research, and Equity for All Kidneys Act of 2021, also known as the [CARE for All Kidneys Act of 2021](#). The CARE for All Kidneys Act would create a national action plan that brings together key stakeholders, including the National Institutes of Health (NIH); the National Institute of Diabetes and Digestive and Kidney Diseases at NIH; and the Centers for Disease Control and Prevention (CDC) to address kidney disease, with a focus on minority, rural and other underserved populations that are disproportionately affected by the disease as follows:

- First, HHS must study patterns of care for kidney disease provided through certain health insurance providers.
- Second, HHS's Office of the Assistant Secretary for Health must:
  1. create a plan to address kidney disease,
  2. develop a pilot program for best practices to diagnose and manage the disease, and
  3. report annually on the impact of a Medicare model that encourages greater use of home dialysis and kidney transplants.

- Third, the National Institutes of Health must expand research on kidney disease. This includes research on the causes of lower rates of, and interventions to, increase kidney transplants among underserved populations.
- Fourth, the National Institute of Diabetes and Digestive and Kidney Diseases must conduct an awareness campaign and work with the Centers for Disease Control and Prevention (CDC) to evaluate data collection concerning kidney disease.
- Fifth, the CDC must award grants for public health interventions to reduce the burden of kidney disease and undertake activities to identify and address environmental and occupational causes of kidney disease.
- Last, the bill makes kidney disease specialists eligible for the National Health Service Corps (NHSC). The NHSC provides scholarships and student loan repayment awards to health care providers who agree to work in areas with shortages of primary care, mental health and dental providers.

MTN is committed to making health equity a priority and to working with AOPO to improve the accessibility of organ transplants in underserved communities. We have been discussing this bill with legislators during meetings to encourage more sponsors to sign on. Additionally, AOPO has released the following statement in support of the bill: “By addressing health inequity, collaborating with all stakeholders, maximizing organ utilization by transplant programs and driving innovation, AOPO is confident we can substantially increase the number of organ donations and lifesaving transplants and reduce the number of people on the transplant waitlist.”

### ***End-Stage Renal Disease Treatment Choices Learning Collaborative (ETCLC)***

CMS and the Health Resources & Services Administration (HRSA) established the ETCLC on August 20, 2021, under the CMS Technical Assistance, Quality Improvement, and Learning (TAQIL) contract to accomplish the goals of the [Advancing American Kidney Health initiative](#). CMS created the End-Stage Renal Disease Treatment Choices Model, which encourages preventative kidney care, home dialysis and kidney transplants. The ETCLC supports this work that is based on the success of the HRSA Organ Donation Breakthrough Collaborative and the recent Organ Procurement and Transplantation Network Collaborative Innovation and Improvement Network (COIIN) effort. AOPO is also a participant in, and highly supportive of, the CMS-led effort to focus on improving donation authorization; organ utilization and allocation; the use of modern technology throughout the donation process; and addressing racial disparities in organ donation and transplantation.

The ETCLC is pressing for additional action and adoption of best practices in each of these critical strategic areas and is highly aligned with the recommendations included in the NASEM report. Both AOPO and MTN aggressively promote the Collaborative’s work and recommendations.

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## **Thank You to AOPO’s Immediate Past President, Jan Finn**

Finn concluded her service as AOPO President in June at the AOPO Annual



Meeting during her President's Address. During Finn's tenure as AOPO President, she united AOPO members; challenged the industry to embrace innovation and collaboration; and encouraged us to work more efficiently to honor donor heroes and increase transplantation to shorten the waitlist.

Please join me in thanking Finn for her steadfast commitment to saving and enhancing lives and congratulating her on her tremendous accomplishments as AOPO President.

## In the News

- May 5 — [HBCU Medical Schools to Tackle Organ Transplant Disparities](#)
- May 31 — [Oklahoma Organ Team Makes History with First Successful Perfusion Liver Transplant](#)
- July 20 — [MediGO Expands Partnerships with Nation's Organ Procurement Organizations](#)
- July 20 — [Emergency Physician: NC is Failing Organ Donors and Those Who Need Transplants](#)
- July 30 — [World's First HIV-Positive to HIV-Positive Heart Transplant Performed at NYC Hospital](#)
- July 31 — [Thousands of Lives Depend on a Transplant Network in Need of 'Vast Restructuring'](#)
- Aug. 3 — [New Waitlist Policies Require Race-Neutral Data](#)
- Aug. 4 — [70 deaths, many wasted organs are blamed on transplant system errors](#)
- Aug. 10 — [AOPO Statement on Senate Finance Committee Hearing and Report](#)



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