

Calendar No. 296

107TH CONGRESS
1ST SESSION**S. 1833**

To amend the Public Health Service Act with respect to qualified organ procurement organizations.

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2001

Ms. COLLINS (for herself, Mr. DODD, and Mr. FRIST) introduced the following bill; which was read the first time

DECEMBER 17, 2001

Read the second time and placed on the calendar

A BILL

To amend the Public Health Service Act with respect to qualified organ procurement organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. QUALIFIED ORGAN PROCUREMENT ORGANIZA-**
4 **TIONS.**

5 Section 371(b)(1) of the Public Health Service Act
6 (42 U.S.C. 273(b)(1)) is amended by striking subpara-
7 graph (D) and all that follows and inserting the following:

1 “(D) notwithstanding any other provision of
2 law, has met the other requirements of this section
3 and has been certified or recertified by the Secretary
4 as meeting the performance standards to be a quali-
5 fied organ procurement organization through a proc-
6 ess that granted certification or recertification with
7 such certification or recertification in effect as of
8 January 1, 2000, and remaining in effect through
9 the completion of certification or recertification, no
10 earlier than July 31, 2004, as is defined through
11 regulations that are promulgated by the Secretary
12 that—

13 “(i) require recertifications of qualified
14 organ procurement organizations not more fre-
15 quently than once every 4 years,

16 “(ii) rely on outcome and process perform-
17 ance measures that are based on empirical evi-
18 dence, obtained through reasonable efforts, of
19 organ donor potential and other related factors
20 in each service area of qualified organ procure-
21 ment organizations,

22 “(iii) use multiple outcome measures as
23 part of the certification process, and

24 “(iv) provide for a qualified organ procure-
25 ment organization to appeal a decertification to

1 the Secretary on substantive and procedural
2 grounds,

3 “(E) has procedures to obtain payment for non-
4 renal organs provided to transplant centers,

5 “(F) has a defined service area that is of suffi-
6 cient size to assure maximum effectiveness in the
7 procurement and equitable distribution of organs,
8 and that either includes an entire metropolitan sta-
9 tistical area (as specified by the Director of the Of-
10 fice of Management and Budget) or does not include
11 any part of the area,

12 “(G) has a director and such other staff, in-
13 cluding the organ donation coordinators and organ
14 procurement specialists necessary to effectively ob-
15 tain organs from donors in its service area, and

16 “(H) has a board of directors or an advisory
17 board which—

18 “(i) is composed of—

19 “(I) members who represent hospital
20 administrators, intensive care or emer-
21 gency room personnel, tissue banks, and
22 voluntary health associations in its service
23 area,

24 “(II) members who represent the pub-
25 lic residing in such area,

1 “(III) a physician with knowledge, ex-
2 perience, or skill in the field of
3 histocompatibility or an individual with a
4 doctorate degree in a biological science
5 with knowledge, experience, or skill in the
6 field of histocompatibility,

7 “(IV) a physician with knowledge or
8 skill in the field of neurology, and

9 “(V) from each transplant center in
10 its service area which has arrangements
11 described in paragraph (3)(G) with the or-
12 ganization, a member who is a surgeon
13 who has practicing privileges in such cen-
14 ter and who performs organ transplant
15 surgery,

16 “(ii) has the authority to recommend poli-
17 cies for the procurement of organs and the
18 other functions described in paragraph (3), and

19 “(iii) has no authority over any other ac-
20 tivity of the organization.”.

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