

107TH CONGRESS
1ST SESSION

H. R. 3504

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2001

Mr. BURR of North Carolina introduced the following bill; which was referred
to the Committee on Energy and Commerce

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 That section 371(b)(1) of the Public Health Service Act
4 (42 U.S.C. 273(b)(1)) is amended by striking subpara-
5 graph (D) and all that follows and inserting the following:

6 “(D) notwithstanding any other provision of
7 law, has met the other requirements of this section
8 and has been certified or recertified by the Secretary
9 as meeting the performance standards to be a quali-
10 fied organ procurement organization through a proc-

1 ess that granted certification or recertification with
2 such certification or recertification in effect as of
3 January 1, 2000, and remaining in effect through
4 the completion of certification or recertification, no
5 earlier than July 31, 2004, as is defined through
6 regulations that are promulgated by the Secretary
7 that—

8 “(i) require recertifications of qualified
9 organ procurement organizations not more fre-
10 quently than once every 4 years,

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

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

19 “(iv) provide for a qualified organ procure-
20 ment organization to appeal a decertification to
21 the Secretary on substantive and procedural
22 grounds,

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

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

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

12 “(H) has a board of directors or an advisory
13 board which—

14 “(i) is composed of—

15 “(I) members who represent hospital
16 administrators, intensive care or emer-
17 gency room personnel, tissue banks, and
18 voluntary health associations in its service
19 area,

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

22 “(III) a physician with knowledge, ex-
23 perience, or skill in the field of
24 histocompatibility or an individual with a
25 doctorate degree in a biological science

1 with knowledge, experience, or skill in the
2 field of histocompatibility,

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

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

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

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

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