

## Calendar No. 296

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1833**

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

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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

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**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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