

Membership & Professional Standards Committee

Report to the Board of Directors

November 14 - 15, 2011

Atlanta, GA

OPTN Bylaws Rewrite Projects

Bylaws Phase I -
Plain Language Rewrite
&

Substantive Rewrite of Due
Process Section Only

Bylaws Phase I

Plain Language Rewrite

Two Phase Process:

Phase I: Plain Language Rewrite

- Reorganize in logical arrangement and use plain language
- Draft approved by MPSC October 2011 for special Public Comment period 12/2/11 through 1/31/12

Phase II:

- Will include substantive changes where there is contradiction, revisions are needed, and additional provisions are required

Substantive Rewrite of Due Process Section Only Highlights

New Appendix L: Reviews, Actions and Due Process (Appendix A in the current Bylaws) is undergoing a substantive rewrite:

- Clarifies review pathways allowing for more efficient handling of cases that involve potential threat to patient health or public safety.
- Clarifies the process of referrals to Secretary and special Secretary-directed reviews as permitted under the *Final Rule*

Review Pathways

- An **Imminent Threat Review** will be conducted when the MPSC Chair determines that there is a potential violation of OPTN obligations, which may pose an urgent and severe risk to patient health or public safety.

Review Pathways

- An **Expedited Review** will be conducted when the MPSC Chair determines that a potential violation of OPTN obligations may pose a potential risk to patient health or public safety.

Secretarial-directed Special Reviews & Referrals

- The Secretary may request that the OPTN Contractor performs a Special Review under guidance from the Secretary. A Special Review is a review of the Member in the manner and within the period specified by the Secretary.
- The Secretary may impose sanctions or take other appropriate action at any time when a Member poses a risk to the health of patients or to the public safety.

Bylaws Due Process Substantive Rewrite - Process

New Appendix L: Reviews, Actions, and Due Process:

- Is currently being drafted and reviewed by an MPSC based workgroup, UNOS staff, and HRSA
- The substantive rewrite of *Appendix L* will be presented to the MPSC at the Dec. 2011 MPSC meeting
- Public comment period will be 2/1/12 – 4/2/12

Board of Directors Action June 2012

- Both this substantive rewrite of the Due Process Appendix L and the entire Bylaws Phase I Plain Language Rewrite will go to the Board for approval in June 2012, but as separate proposals.