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
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.
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.
Secretarially-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.