

Securing the U.S. Organ Procurement and Transplantation Network Act (Public Law No: 118-14)

The American Nephrology Nurses Association (ANNA) is a nonprofit organization with a membership of more than 6,000 registered nurses and other health care professionals at all levels of practice. ANNA members work in settings such as chronic kidney disease management, peritoneal dialysis, hemodialysis, continuous renal replacement therapy, transplantation, industry, and government/regulatory agencies.

Background on the Issue

Over 100,000 patients are awaiting a kidney transplant from the Organ Procurement and Transplantation Network (OPTN).¹ Each year, approximately 9,000 patients leave the waitlist due to worsening health or death.² A report from the United Network for Organ Sharing (UNOS), the sole contractor managing the OPTN, found that in 2022, 25% of deceased donor kidneys are wasted due to poor preservation and other logistical mishaps.³ Yet, a report from the National Kidney Foundation found that many of the organs discarded by UNOS were still viable for transplant. Currently, UNOS acts as a monopoly, owning and operating each contract for the OPTN without any incentive to improve its practices. A more transparent and robust process for choosing OPTN contractors will ensure the best contractors for each function of the system are chosen. *Securing the U.S. Organ Procurement and Transplantation Network Act* encourages the adoption of best practices and allows HRSA to hold contractors accountable for failing to successfully execute their obligations.

Overview of the Legislation

On April 10 and May 17, 2023, Rep. Larry Bucshon (R-IN-8) and Rep. Robin Kelly (D-IL-2), along with Sen. Ron Wyden (D-OR) and Sen. Chuck Grassley (R-IA), introduced the *Securing the U.S. Organ Procurement and Transplantation Network Act* (H.R. 2544 and S. 1668), which would make significant changes to the OPTN by allowing the Health Resources and Services Administration (HRSA) to run a competitive process to choose the best contractors for each function of the OPTN. *Securing the U.S. Organ Procurement and Transplantation Network Act* would reduce the number of viable organs discarded, decrease the time patients need to wait for a transplant, and save lives.

Bill is Signed into Law

The House of Representatives passed the *Securing the U.S. Organ Procurement and Transplantation Network Act* (H.R. 2544) on July 25, 2023, and the United States Senate passed the bill on July 27, 2023. The legislation was signed into law (Public Law No: 118-14) on September 22, 2023.

¹ Organ Donation and Transplantation Statistics, National Kidney Foundation, January 2016, Accessible at <https://www.kidney.org/news/newsroom/factsheets/Organ-Donation-and-Transplantation-Stats>

² Successful Transplants Using Damaged Kidneys On The Rise, But Donor Organs Still Wasted, John Hopkins Medicine, January 2022, Accessible at <https://www.hopkinsmedicine.org/news/newsroom/news-releases/successful-transplants-using-damaged-kidneys-on-the-rise-but-donor-organs-still-wasted>