

March 27, 2024

Dianne LaPointe-Rudow ANP-BC, DNP, FAAN
OPTN President
United Network for Organ Sharing
700 North 4th Street
Richmond, VA 23219

Dear Dr. LaPointe-Rudow:

As a follow up to our discussions over the past few weeks and in line with HRSA's Organ Procurement and Transplantation Network (OPTN) Modernization Initiative, I am writing to share HRSA's plan for continuity of operations and initial steps towards an independent OPTN Board of Directors.

Based on robust stakeholder engagement and research, HRSA is supporting the creation of a separate legal entity to serve as the OPTN, with its own independent Board of Directors, to facilitate independent, transparent, and accountable OPTN governance. This entity will be independent of the current OPTN contractor and future OPTN contractors. HRSA will work with the current OPTN Board of Directors, independent of the current OPTN contractor, to establish a separate legal entity and subsequently designate this entity as the OPTN in a manner consistent with the National Organ Transplant Act (NOTA; P.L. 98-507), the Securing the US OPTN Act (P.L. 118-14), and the OPTN Final Rule.

As this new entity is being established over the next 90 days, HRSA and the current OPTN contractor have agreed to create an *Interim Transition OPTN Board of Directors*. This Interim OPTN Board would be effective as of March 30, 2024, separating the current 42-member OPTN Board and activities from the current OPTN contractor's new 7-member corporate board. This will be an important intermediate step towards OPTN Board and policymaking independence. Under this interim step, the OPTN Board would continue to be covered by the current liability protections provided by the OPTN contractor. This transitional board arrangement will be time-limited until the new legal entity is established, designated and insured, at which time the full transition to the new, independent entity will take place.

As described in HRSA's [Board Support Transition Contract RFP](#), the OPTN Board of Directors will soon be supported by a new Board Support contractor to provide governance expertise and logistical services to support the OPTN Board of Directors as they create transparent and equitable organ procurement and transplantation policy. HRSA is taking the crucial step to set up a separate OPTN entity now, prior to awarding the Board Support and Transition Operations

contracts, to ensure there is no disruption to OPTN operations, including Board oversight and policymaking activities. This independent OPTN Board will continue to be supported by the current OPTN contractor in the short time period before the new Board Support and Transition Operations contracts are in place.

HRSA is committed to ensuring life-saving transplantation continues without disruption as we advance our efforts to create a more equitable, transparent, and accountable OPTN and higher-performing transplant system. HRSA is confident this new independent entity structure will help to increase the accountability and transparency that patients and families deserve.

If you have any questions, please contact Christopher McLaughlin, Senior Advisor and OPTN Contract Officer's Representative, Division of Transplantation, Health Systems Bureau, HRSA, at cmclaughlin@hrsa.gov.

Sincerely,

/s/ Suma Nair

Suma Nair PhD, MS, RD
Associate Administrator
Health Systems Bureau

cc: Maureen McBride PhD
OPTN Executive Director

Chris McLaughlin
OPTN Contract Officer's Representative