

March 20, 2024

Dear OPTN Community,

We are writing to you today with an important update on the status of the separation of the boards of the OPTN contractor, the United Network of Organ Sharing (UNOS), and the Organ Procurement and Transplantation Network (OPTN).

As you know, a key component of the Health Resources and Services Administration's (HRSA) Modernization Initiative, released on March 22, 2023, is separating the contractor's board and the OPTN Board. We, and the members of the OPTN Board, fully support this change, which we believe is in the best interest of patients and the entire transplantation and donation community.

It is important to provide historical context to understand our current situation. The foundational issue of the relationship between the contractor, UNOS, and the OPTN, and the structure of the OPTN, is complex and misunderstood by most transplant professionals and patients. The difficulty has been compounded by the changing language used to describe the relationship. Since its beginning in 1986, under the terms of the HRSA contract with UNOS, the UNOS board has been designated by HRSA as the OPTN board. Thus, when the UNOS board members act as the OPTN board, they do so under the authority as UNOS board members who are acting in a specialized capacity. Because of this, UNOS was referred to as the OPTN, and the terms UNOS and OPTN were used interchangeably. As stated on the UNOS website, "UNOS serves as the OPTN under contract with the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (DHHS)."

For many years it has been acknowledged that the governmentally arranged marriage between UNOS and the OPTN placed board members in an untenable position. For some time, HRSA has wanted separation of the contractor and the OPTN and when the contract was renewed in 2018, a new requirement was inserted that the term UNOS no longer be used in OPTN committee and board meetings. Instead, UNOS was to be referred to as "the contractor." Community members who were OPTN volunteers then will remember that after the renewal contract was signed, every committee and board meeting began with an admonition to use the new terminology. These changes in nomenclature have created the impression among some that the OPTN is an organization separate and apart from UNOS. However, the OPTN exists only through HRSA's designation of the UNOS board as the OPTN board, and until March 29, 2024, the dual nature of "the board" is still in force.

While a unified structure has certain advantages, the OPTN board has raised concerns about it since the contract renewal in 2018 and with increasing urgency since 2022. Public and Congressional questioning and misunderstanding of the OPTN, the changes contemplated by the Modernization Initiative, and the pending expiration of the current contract have made it clear to the OPTN board that the OPTN must be independent of the contractor and function with a significant degree of autonomy from HRSA.

At HRSA's direction, the OPTN contractor submitted a detailed plan for board independence in the summer of 2023. The OPTN Executive Committee and Board met to review this plan in detail with HRSA on multiple occasions to discuss the topic in hopes of having a resolution prior to March 29, 2024.

The OPTN Board continues to seek a plan from HRSA. On Monday of this week the OPTN Board met with HRSA to hear their preliminary plans for OPTN Board independence. The OPTN Leadership continues to meet with HRSA on an ongoing basis to review HRSA's proposed plan for future OPTN governance.

We are hopeful that we can develop a workable plan for board independence that assures continuity of the transplant system to ensure patient care is not negatively impacted, provides OPTN board and committee members with appropriate legal protections, and provides a pathway to a truly independent OPTN. We fundamentally believe that an OPTN that is fully independent of all current and future contractors and has defined domains of autonomy from HRSA is the only viable long-term solution. We will continue to work towards this goal and will provide the community with updates over the next few days as the journey progresses.

Sincerely,



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