



March 4, 2021

Liz Richter  
Acting Administrator, Centers for  
Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244-1850

**ATTN: CMS–3380–F2: Medicare and Medicaid Programs; Organ Procurement Organizations Conditions for Coverage: Revisions to the Outcome Measure Requirements for Organ Procurement Organization**

Dear Acting Administrator Richter:

On behalf of the more than 37,000,000 Americans living with kidney diseases, and the more than 22,000 nephrologists, scientists, and other kidney health care professionals who comprise the American Society of Nephrology (ASN), ASN re-affirms its support<sup>1</sup> for the Organ Procurement Organizations (OPOs) Conditions for Coverage Final Rule issued on November 20, 2020. The society calls for the Centers for Medicare & Medicaid Services (CMS) to finalize this rule and implement it as expediently as possible to bring objective and verifiable standards to assess the performance of OPOs, increase the number of organs available for transplant, and dismantle the racial inequity in the U.S. transplant system.

Kidney diseases are an under-recognized public health epidemic in the United States, and the twin public health crises of COVID-19 and systemic racism disproportionately burden the patients ASN's members serve.

ASN commends recent steps by the Biden-Harris Administration to address equity in federal programs and policies – including health care – and firmly believes the OPO final rule is a huge step to advance those efforts. Communities of color bear the disproportionate burden of the organ shortage and the failures of the US transplant system. In 2019, nearly 50% of White Americans on the transplant waitlist received a kidney, yet in the same year, only 26% of Black Americans received a transplant.<sup>2</sup> Research has pointed to factors directly within the control of OPOs as responsible for part of this inequity, such as providing fewer opportunities for the families of potential organ donors to consider organ donation and not making OPO representatives available for consultation at the time of potential donation.<sup>3</sup>

Currently, the nearly 800,000 Americans with kidney failure must wait in a 100,000-person line to receive a life-saving transplant, the optimal therapy for most people with kidney failure. The COVID-19 pandemic has made receiving a transplant more critical than ever as Americans with

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<sup>1</sup> September, 27, 2019 [comment letter](#), December 17, 2019 [statement](#), February 21, 2020 [comment letter](#), October 1, 2020 [letter](#), December 3, 2020 [statement](#)

<sup>2</sup> Based on OPTN data as of January 29, 2021. <https://optn.transplant.hrsa.gov/data/view-data-reports/national-data/#>

<sup>3</sup> Siminoff, L A, Lawrence, R H, Arnold, R M. Comparison of black and white families' experiences and perceptions regarding organ donation requests. 2003, Crit Care Med. doi: 10.1097/00003246-200301000-00023.

kidney failure are the most at-risk among the Medicare population for severe outcomes from COVID-19, including hospitalization and death, and COVID-19 causes kidney damage in as many as 50% of hospitalized COVID-19 patients.<sup>4, 5</sup>

Evaluating the performance of OPOs utilizing objective and verifiable metrics as outlined in the final rule will increase transparency and accountability in the US transplant system and increase equity in organ donation. The improvements outlined in the final rule are widely supported by a bipartisan group of stakeholders in Congress and across the federal government. ASN is committed to building a more equitable future of kidney health and encourages CMS to implement the OPO final rule as soon as possible and increase accountability and transparency in our organ transplant system.

Please contact David L. White, ASN Quality and Regulatory Officer, at [dwhite@asn-online.org](mailto:dwhite@asn-online.org) or 202-640-4635 to discuss any aspect of this correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Quaggin".

Susan E. Quaggin, MD, FASN  
President

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<sup>4</sup> <https://www.cms.gov/newsroom/press-releases/cms-proposes-medicare-payment-changes-support-innovation-and-increased-access-dialysis-home-setting>

<sup>5</sup> Chan, L, et al. AKI in Hospitalized Patients with COVID-19. 2021. JASN. doi: 10.1681/ASN.2020050615