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 support1 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 expeditiously 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 disproportinate 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.2 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.3

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

1 September, 27, 2019 comment letter, December 17, 2019 statement, February 21, 2020 comment letter,
October 1, 2020 letter, December 3, 2020 statement
3 Siminoff, L A, Lawrence, R H, Arnold, R M. Comparison of black and white families’ experiences and
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.⁴,⁵

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 or 202-640-4635 to discuss any aspect of this correspondence.

Sincerely,

Susan E. Quaggin, MD, FASN
President

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