

105TH CONGRESS
2D SESSION

S. 2201

To delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1998

Mr. TORRICELLI (for himself, Mr. GORTON, Mr. FEINGOLD, Mr. MACK, Mr. SESSIONS, Mr. THURMOND, Ms. LANDRIEU, Mr. BREAUX, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. KOHL, Mr. INHOFE, Mr. SMITH of Oregon, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) The national transplant system, established
6 by the National Organ Transplant Act of 1984, has
7 saved over 200,000 lives. In 1998, 20,000 lives were

1 saved by donated organs. Approximately 60,000
2 Americans currently are awaiting an organ trans-
3 plant.

4 (2) Every 16 minutes a new name is added to
5 the national organ waiting list.

6 (3) Every day in the United States, 11 people
7 on the national waiting list die (more than 4,000
8 every year) because there are not enough donated
9 organs.

10 (4) Eliminating the geographic criteria for
11 donor organ allocation, as proposed by the Depart-
12 ment of Health and Human Services, will have po-
13 tentially negative consequences for the nation.

14 (5) Eliminating the geographic criteria for
15 donor organ allocation will make organ transplants
16 economically prohibitive for a large percentage of the
17 population, especially for the 22 percent of trans-
18 plant recipients covered under the medicaid pro-
19 gram.

20 (6) The following provisions proposed by the
21 Department of Health and Human Services with re-
22 spect to organ donation are appropriate and work-
23 able and should be studied—

24 (A) the standardized listing criteria for pa-
25 tient placement on lists;

1 (B) the standardized criteria for determin-
2 ing current medical status based on objective
3 and measurable medical criteria;

4 (C) the provision of enforcement authority;
5 and

6 (D) the requirement of full and timely dis-
7 closure by transplant centers of waiting list
8 times and survival statistics to potential pa-
9 tients.

10 **SEC. 2. DELAY OF EFFECTIVE DATE OF FINAL RULE RE-**
11 **GARDING ORGAN PROCUREMENT AND**
12 **TRANSPLANTATION NETWORK.**

13 (a) IN GENERAL.—During the 1-year period begin-
14 ning on the date of the enactment of this Act, the Sec-
15 retary of Health and Human Services may not modify reg-
16 ulations that, as of such date, are in effect with respect
17 to the operation of the Organ Procurement and Trans-
18 plantation Network under section 372 of the Public
19 Health Service Act (42 U.S.C. 274), including regulations
20 under section 1138 of the Social Security Act (42 U.S.C.
21 1320b–8) with respect to such Network. During such 1-
22 year period, the final rule published in the Federal Reg-
23 ister to establish part 121 in title 42, Code of Federal
24 Regulations, has no legal effect.

1 (b) GUIDELINES.—During the 1-year period de-
2 scribed in subsection (a), the Secretary of Health and
3 Human Services shall consult with appropriate individuals
4 and organizations in the medical community, including na-
5 tional and local organ donation organizations (including
6 those serving low-income patients), to develop workable
7 guidelines with respect to the operation of the Organ Pro-
8 curement and Transplantation Network.

9 (c) STUDY.—Prior to the implementation of any
10 modifications to the regulations described in subsection
11 (a), the Secretary of Health and Human Services shall
12 conduct a study to determine the impact of such proposed
13 modifications on indigent care, economic and geographic
14 access to transplantation services, transplantation out-
15 come and survival rate, and waiting list time by organ.
16 The Secretary shall ensure that any such modifications,
17 together with the results of the study, are open for public
18 comment for a period of at least 90-days prior to the effec-
19 tive date of such modifications.

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