



Administrator

Washington, DC 20201

January 10, 2024

The Honorable Earl L. "Buddy" Carter
U.S. House of Representatives
Washington, DC 20515

Dear Representative Carter:

Thank you for your letter regarding the Centers for Medicare & Medicaid Services (CMS) final rule, titled, "Medicare and Medicaid Programs: Organ Procurement Organizations (OPO) Conditions for Coverage: Revisions to the Outcome Measure Requirements for Organ Procurement Organizations" (OPO Final Rule, 85 FR 77898). I appreciate you sharing your feedback.

As stated in the Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions, CMS is developing a proposed rule regarding "the standards used to evaluate and recertify OPOs."¹ Since the OPO Final Rule, CMS has received feedback from stakeholder listening sessions and continued public comment on the rule, including comments received from a CMS Request for Information (RFI) on OPOs published in December 2021.² As a result of the feedback, CMS is reviewing our OPO competition and decertification processes, and any changes would be made through future rulemaking. We expect that any revisions will continue to hold OPOs responsible for improved performance.

Thank you again for your letter. CMS is committed to continuing to work to improve the overall organ donation and transplantation system to ensure that all lifesaving organs reach potential recipients. I will also send this response to the co-signers of your letter.

Sincerely,

A handwritten signature in blue ink that reads "Chiquita Brooks-LaSure".

Chiquita Brooks-LaSure

¹ see the Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions, Amendments to Rules Governing Organ Procurement Organizations (CMS-3409), at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=0938-AU54>.

² see 86 Fed. Reg. 68,594 (December 3, 2021), at <https://www.govinfo.gov/content/pkg/FR-2021-12-03/pdf/2021-26146.pdf>.