

OPTN/UNOS Membership and Professional Standards Committee (MPSC)
Meeting Minutes
November 21, 2017
Chicago, Illinois

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Introduction

The Membership and Professional Standards Committee (MPSC) met by conference call and Citrix GotoTraining on November 21, 2017, to discuss the following agenda items:

1. Modifications to OPTN Bylaws, Appendix L
2. Member Related Actions

The following is a summary of the Committee's discussions.

1. Modifications to OPTN Bylaws, Appendix L

UNOS Staff presented the most recent version of Bylaws language drafted to propose modifications to OPTN Bylaws Appendix L and how the OPTN reviews members for noncompliance with OPTN Obligations. This version of the draft Bylaws represents a significant revision, incorporating the feedback provided by the MPSC at its October 2017 in-person meeting. The major changes since the Committee's October review of the proposed Bylaws are:

- Removed timeframes for scheduling MPSC and member interactions; added a general section allowing Chair to schedule interactions
- Removed references to conflicts of interest from specific sections, added a general conflicts of interest section at the beginning
- Moved correspondence, Chair designee sections to beginning with other general sections
- Added member obligation to fulfill all requests for info to Article 1
- Added descriptions to the beginning of the informal discussion, interview, hearing, and appearances before the Board of Directors sections
- Updated organization for informal discussion, interview, and hearing sections
- Moved deferred disposition to OPTN actions section
- Removed Letter of Reprimand; changed Notice of Uncontested Violation to Notice of Noncompliance in OPTN actions section
- Removed Accelerated Review pathway
- Added ability for Executive Committee to conduct reviews instead of Board during urgent and severe risks
- Removed almost all "including but not limited to" lists and moved to supplemental, supporting material
- Updated format for Probation and Member Not in Good Standing sections

- Moved request for release from adverse action, now follows Probation and MNGS sections
- Updated member request for release from 9 months since *either* MPSC/Board approved to 9 months since *both* MPSC/Board
- Added detail regarding downgrade from Probation to MNGS
- Updated language in other Appendices that reference noncompliance with OPTN Obligations, right to an interview, requirement to offer informal discussion before asking member to inactivate

Prior to conducting a detailed review of the proposed language, staff asked the Committee to focus on verifying that the updated language reflects its feedback from the October MPSC meeting. Additionally, staff requested that the MPSC point out any other outstanding concerns, particularly any concerns that would prevent members from supporting the proposal's distribution for public comment.

During staff's detailed review of the most recent version of the draft Bylaws, the MPSC indicated its general support of the updated Bylaws language. The Committee's discussion did yield a few other points for consideration:

- In the table that compares informal discussions, interviews, hearings, and appearances before the Board of Directors, and that the MPSC will provide as additional information to supplement the proposal, the MPSC suggested adding a row that provides estimated time frames for conducting these member and MPSC interactions. Although the proposed Bylaws do not bind the MPSC to these timeframes, without this level of detail in the Bylaws, the Committee thought it would be helpful for members to have a resource where they could access this general information.
- The Committee noted that some may criticize the proposal as decreasing transparency due to the removal of a lot of operational details from the Bylaws. MPSC members countered that the simplified approach in the proposed Bylaws would lend to a greater understanding of the process, and thus greater transparency for members. The Committee continued that the changes should be considered more as a question of flexibility versus predictability. The MPSC believes a certain amount of flexibility is necessary to optimize reviews of member noncompliance, and additional resources will be available to help members prepare and know what to expect when interacting with the MPSC.
- An MPSC member asked if the proposed Bylaws allowed the Board of Directors to offer a deferred disposition. Staff replied that the proposed Bylaws allow only the MPSC to offer a deferred disposition, and they may only do so before the member has a hearing. To make this explicitly clear, the MPSC requested that the language be modified to reflect that "only" the MPSC may offer a deferred disposition.
- Reviewing the range of actions in the proposed Bylaws, the MPSC requested edits to eliminate the usage of "range of severity" and "severe" to minimize the negative connotations included in the proposed Bylaws
- An MPSC member suggested using "not adverse action" instead of "non-adverse action." UNOS staff replied that "non-adverse" is used elsewhere in the Bylaws, and recommended its usage in this proposal for the sake of consistency.

Reviewing language pertaining to the possibility of downgrading Member Not in Good Standing, the Committee debated the amount of time that members must wait to request a release from

Probation after the Board of Directors downgrades the member to Probation. Instead of three months, the Committee considered if a longer period would be more appropriate. Ultimately, the Committee agreed to leave the time limit as three months in the proposed Bylaws, acknowledging that the time period is provided as a minimum.

2. Member Related Actions

The Committee is charged with determining whether member clinical transplant programs, organ procurement organizations, histocompatibility laboratories, and non-institutional members meet and remain in compliance with membership criteria. During each meeting, it considers actions regarding the status of current members and new applicants.

The Committee reviewed the consent agenda and approved applications for two changes in key personnel for histocompatibility laboratories.

Upcoming Meetings

- February 27 - March 1, 2018, Chicago
- July 17-19, 2018, Chicago
- October 16-18, 2018, Chicago