

**OPTN Ad Hoc International Relations Committee  
Management of International Living Donors in the U.S Subcommittee  
Meeting Summary  
November 28, 2023  
Conference Call**

**Pramod Bonde, MD, Chair  
Peter Stock, MD, Vice Chair**

## **Introduction**

The OPTN Management of International Living Donors in the U.S Subcommittee (the Subcommittee) met via Webex teleconference on 11/28/2023 to discuss the following agenda items:

1. Discussion: Project Scope

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

### **1. Discussion: Project Scope**

The Subcommittee continued their discussion from the [10/24/2023](#) meeting about whether the project scope should be expanded to include non-U.S. citizens/U.S. residents or maintain the current scope as non-U.S. citizens/non-U.S. residents (NCNR).

The Subcommittee was presented with the options about how they would like to proceed with the project scope and will determine the following:

- Maintain current project scope as approved by the Policy Oversight Committee (POC), focusing on NCNR only.
- Expand project scope to include non-U.S. citizens/U.S. residents within the current project.
- Expand project scope to include non-U.S. citizens/U.S. residents in a separate project.

### Summary of discussion:

**Decision #1:** There was consensus among the Subcommittee to expand the project scope to include non-U.S. citizens/U.S. residents within the current project.

A member noted the nuance in how the term resident is defined. She explained that the term resident is associated with permanent legal status in a country, which differs from an individual residing in the U.S. without legal status. Another member commented that individuals without legal status may reside in the U.S. but may not have permanent residency status and, therefore, should be considered within the project's scope.

Another member agreed and stated that there is a difference between permanent legal residents and an individual who is living in the U.S. without any legal documentation, a non-legal resident. She explained that it is essential to clarify the definition of a resident because the term resident could refer to an individual who lives in the U.S. without permanent residency or an individual who has permanent residency in the U.S. A member stated that the OPTN defines non-U.S citizen/ U.S resident as a non-citizen of the U.S for whom the U.S is their permanent place of residence.

Another member suggested updating the project form to remove the word resident or include the term permanent residents to encompass the demographic of individuals who should be included in the scope, which is non-U.S citizens/U.S residents (NCR). Another member proposed updating the project form to focus on non-U.S citizens and non-U.S residents regardless of legal status because individuals who do not have U.S legal status may reside in the U.S. and can still be donors.

Staff expressed concerns that expanding the scope to include NCR may be outside of the scope of the Ad Hoc International Relations Committee (AHIRC) because the Committee charge focuses on merging issues and pertinent topics related to non-U.S. citizen/non-U.S. resident patients that enter the United States for transplant and U.S. candidates who seek transplants in other countries. The Vice-Chair disagreed and stated that including NCR is not outside the scope of the sponsoring Committees' charge. He commented that legal status cannot be used to allocate an organ. Staff inquired if the challenges programs face when evaluating international living donors are the same for NCNR and NCR.

The Vice-Chair asked who the Subcommittee needs approval from if the Subcommittee decides to move forward with expanding the scope to include NCR. The presenter replied that before the project can go back to the POC for approval, it will need the approval of the UNOS Contractor, Health Resources and Services Administration (HRSA) to determine if there is anything from their perspective and expertise that would cause concern or if they had any feedback, they would like the Subcommittee to consider before moving forward with POC approval. An HRSA representative commented that if the Subcommittee would like to expand the scope, then it should be approved by the OPTN rather than HRSA.

Another member inquired if the Subcommittee could re-clarify the definition of a non-resident in the current scope within the project form. The presenter replied that the Subcommittee could reclarify the definition; however, approval would still be needed to ensure the Subcommittee's work is within the authority of the OPTN. She further asked how the term non-resident is currently defined in the project scope. The presenter replied that the current scope focuses on international donors, defined as non-U.S citizens/non-U.S residents. She inquired if the definition is interpreted as non-permanent or non-legal residents. Another member commented that the OPTN defines a NCNR as a non-citizen of the United States of whom the U.S. is not their primary place of residence; so, it's more aligned with where an individual lives rather than their legal status.

There was consensus among the Subcommittee to expand the scope to include NCR within the current project, which means expanding the scope to include individuals without legal status who currently live in the U.S.

#### Next steps:

- UNOS staff will follow up internally on the Subcommittee's recommendation to expand the project's scope to include NCR and to ensure that the expanded scope is within the authority of the OPTN.
- The Subcommittee will continue to work on the project with the expanded scope.

#### **Upcoming Meetings**

- January 23, 2024

## Attendance

- **Subcommittee Members**
  - Peter Stock
  - Pramod Bonde
  - Cynthia Forland
  - Scott Sanoff
  - Taryn Shappell
  - Abby Ruiz
  - Ehab Saad
  - Angele Lacks
  - George Bayliss
  - Nahel Elias
  - Eliana Agudelo
  - Nancy Marlin
  - Vineeta Kumar
- **HRSA Representatives**
  - Jim Bowman
- **SRTR Staff**
  - Avery Cook
- **UNOS Staff**
  - Joann White
  - Tamika Watkins
  - Laura Schmitt
  - Susan Tlusty