

6.0 Deceased Donor Organ Transplantation of Non-US Residents/Non-US Citizens, and the Importation of Deceased Donor Organs from Foreign Sources

The following policies apply for organ transplantation of non-resident aliens and for importation or exportation of organs for transplantation.

6.1 Definitions. The following definitions apply to these policies:

6.1.1 Non-US Citizen/US Resident – A non-citizen of the United States for whom the United States is the primary place of residence.

6.1.2 Non-US Citizen/Non-US Resident – A non-citizen of the United States for whom the United States is not the primary place of residence.

6.2 Guidelines. Any member transplant center that places a non-US citizen/non-US resident on its waiting list shall adhere to the following guidelines:

6.2.1 Nondiscrimination in Organ Allocation. Deceased donor organ allocation to candidates for transplantation shall not differ on the basis of a candidate's citizenship or residency status in the US. Allocation shall not be influenced by favoritism or discrimination based on political influence, national origin, race, sex, religion, or financial status.

6.2.2 Referrals. Members shall not enter into formal contractual arrangements with foreign agencies or governments for the transplantation of non-US residents/non-US citizens. OPTN members may negotiate the terms and conditions under which any individual candidate would be treated with the understanding that each candidate must be referred on a case- by-case and physician-to-physician basis.

6.3 Review and Reporting of Non-US Citizen/Non-US Resident Listings and Transplants. The Ad Hoc International Relations Committee will review all citizenship data submitted to the OPTN Contractor. The Ad Hoc International Relations Committee may request that Member transplant centers voluntarily provide additional information about listings or transplants of non-US citizens/non-US residents.

6.3.1 Transparency in Reporting Listings and Transplants of Non-US Citizens/Non-US Residents. The Ad Hoc International Relations Committee shall prepare and provide public access to an annual report of Member transplant center activities related to the listings and transplantation of non-US citizens/non-US residents.

6.4 Importation of Deceased Donor Organs from Foreign Sources. Members may import deceased donor organs from foreign sources, and in doing so, must adhere to the related policies below.

6.4.1 Formal Deceased Donor Organ Import Agreement. Upon approval by the Board of Directors, a Member may enter into formal, deceased donor organ import agreement with a foreign entity. Each formal agreement cannot exceed two years in duration. A Member that wishes to enter into a formal, deceased donor organ import agreement with a foreign entity must submit a proposal to the Ad Hoc International Relations Committee for review. The proposed deceased donor organ import agreement must:

- 1) Describe the basis for the agreement.
- 2) Describe the expected benefits to the foreign and domestic participants.

- 3) Include credentials of the foreign entity.
- 4) State the number and type of deceased donor organs anticipated for import.
- 5) Outline a plan for reporting the results of the agreement.
- 6) Include a requirement for the donor organization to submit documentation certifying the authorization of the donor or his or her legal representative.
- 7) Include a requirement for the donor organization to submit documentation certifying that the donor has met the met brain death or donation after circulatory death (DCD) protocols that are in compliance with recognized US standards for domestic organ procurement.
- 8) Include a requirement for the donor organization to submit documentation of the donor's ABO.

The Ad Hoc International Relations Committee will review each formal agreement every two years.

Each organ imported through a formal agreement must adhere to the requirements listed in 6.4.1.1.

6.4.1.1 Requirements for Importing Deceased Donor Organs through a Formal Agreement. The Member importing any deceased donor organ from a foreign entity must:

- Report the event within 72 hours to the Organ Center.
- Allocate the organ using the Match System in accordance with the allocation policy for that organ.
- Provide the minimum required information about the foreign deceased donor organ, as specified in Policies 2 (Minimum Procurement Standards for an Organ Procurement Organization (OPO), 3.5.9 (Minimum Information/ Tissue for Kidney Offer), 3.6.9 (Minimum Information for Liver Offers), 3.7.12 (Minimum Information for Thoracic Organ Offers, and 3.8.2 (Required Information).
- Comply with the ABO verification requirements in Policies 2 and 3.2.4 (Match System Access).
- Evaluate the organ for transmissible diseases as specified in Policy 4 (Identification of Transmissible Diseases in Organ Recipients).
- Verify that the foreign entity is authorized as a transplant center or organ procurement program by an appropriate agency of its national government.
- Obtain official documentation from the exporting party that it is a medical center authorized to export organs for transplantation.

6.4.2 Deceased Donor Organs Imported from outside of the United States. A Member may import a deceased donor organ recovered outside of the United States without a formal agreement (6.4.1). An imported deceased donor organ must meet all the requirements in 6.4.1.1. The Member must notify the Organ Center immediately so that the OPTN Contractor can allocate the organ using the Match System in accordance with the allocation policy for that organ.

The Member importing the organ must provide the following to the OPTN Contractor:

- Documentation certifying that the donor has met brain death or donation after

circulatory death (DCD) protocols that are in compliance with recognized standards for domestic organ procurement;

- Documentation from the donor organization certifying the authorization of the donor or his or her legal representative; and,
- Documentation from the donor organization verifying the donor's ABO.

The Ad Hoc International Relations Committee will review the circumstances of each deceased donor organ imported without a formal agreement.