

# What to Expect: Membership and Professional Standards Committee (MPSC) Actions

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## MPSC ACTIONS

Action	Purpose	Outcome
<b>Request informal discussion</b>	Smaller, informal interaction to gather more information	Smaller group reports back to full MPSC for decision
<b>Request interview</b>	More formal discussion with member to guide the MPSC in making a recommendation or taking an action	MPSC decides next steps immediately after interview
<b>Close with no actions</b>	Nothing further is required of the member, either because policy violation did not occur or because member took appropriate action	Final action
<b>Issue a Notice of Noncompliance</b>	MPSC expects member to update corrective action, conduct ongoing monitoring, etc. to reduce likelihood of recurrence, but member does not need to report to the MPSC	Final action
<b>Issue a Letter of Warning</b>	MPSC wishes to convey concerns about appropriateness or effectiveness of issue and the member's response	Final action
<b>Recommend Probation</b>	Adverse action that is made public; appropriate when member fails to take appropriate steps to mitigate risk to patient health/safety or the integrity of the OPTN, or fails to make sufficient progress after multiple interactions with the MPSC	Right to interview, hearing, and Board appearance
<b>Recommend Member Not in Good Standing</b>	Adverse action that is made public; appropriate when member fails to take appropriate steps to mitigate risk to patient health/safety or the integrity of the OPTN, or fails to make sufficient progress after multiple interactions with the MPSC	Right to interview, hearing, and Board appearance

## Factors considered when determining the appropriate action

- Has the member demonstrated an awareness of and accountability for the noncompliance?
- Did the member self-report the noncompliance?
- Did the member take corrective action when learning of the noncompliance?
- Does the noncompliance pose an urgent and severe risk to patient health or public safety?
- Does the noncompliance pose or fail to avoid a substantial risk to the integrity of or trust in the Organ Procurement and Transplantation Network (OPTN)?
- Do patient medical records or other documentation provide sufficient detail to determine the presence of mitigating factors at the time the noncompliance occurred?
- Does the noncompliance demonstrate lack of stewardship of donated organs?
- Is the noncompliance likely to recur?
- Has the member demonstrated previous and ongoing compliance with OPTN Obligations

## WHAT TO EXPECT: INFORMAL DISCUSSIONS

### What do we need to do before the informal discussion?

The OPTN MPSC offers informal discussions when they feel they need more information about the circumstances of a review or the member's response to an issue. Informal discussions occur with a small Subcommittee of the MPSC. Review the relevant OPTN Policies and Bylaws associated with your case.

Make sure you understand the requirements and the MPSC's concerns about the issue. Contact Member Quality staff for clarification or additional information.

Decide who will participate in the discussion. The MPSC encourages you to include anyone who is best suited to answer the MPSC's questions and or concerns. The MPSC may request that certain staff participate.

Provide the information requested in the scheduling letter, including: the names and titles of your participants, a contact number for at least one participant on the day of the meeting, and an electronic copy of your PowerPoint presentation by the specified dates. Prior to the interview, the Subcommittee reviews a pdf version of the presentation, unless you request otherwise.

Determine what additional information you would like the MPSC to review before the informal discussion. What new information can you share to address the concerns outlined in your offer letter? What information about your organization do you want to share with the MPSC?

Submit any new or relevant information to your Member Quality staff contact by the date specified in the scheduling letter. This allow the Subcommittee to have sufficient time to review the materials before the informal discussion and will give you an opportunity to focus your presentation on key items.

Prepare your presentation. The standard time for your presentation is 10 minutes. Remember the time constraints and plan accordingly for the most concise and relevant presentation possible. The informal discussion is an opportunity to provide the Subcommittee with additional information, including but not limited to, information regarding relevant quality improvement initiatives, or corrective actions that will positively impact the program.

- Based on the nature of your review consider whether you should include relevant facts about your organization; a timeline of events; details of your root cause analysis, corrective action plans, or plans for quality improvement; and/or updates to your policies or procedures.

### **What should we expect for the informal discussion?**

Register for the GoToTraining prior to the call. Make sure all participants have the registration information or you may gather in a conference room with one person's registration.

A staff member on the phone line informs you when the Subcommittee is ready to join the call.

Members of the MPSC, including ex-officio Health Resources and Services Administration (HRSA) representatives, staff, and Scientific Registry of Transplant Recipients (SRTR) staff will be present on the call.

The Chair reads an introductory statement for the record and asks you to introduce your participants, after which you can begin your presentation.

The MPSC Chair notifies you when you have approximately two minutes remaining to present information. The Chair will open the floor for questions immediately following your presentation.

The member receives a formal letter and a summary of the informal discussion following the conference call that includes a list of participant names. Staff also sends a survey asking about your experiences preparing for the informal discussion and any ways we could improve the process.

## **WHAT TO EXPECT: INTERVIEWS WITH THE MPSC**

### **What do we do before the interview?**

OPTN MPSC offers an interview when they feel they need more information to determine its level of response to a noncompliance with OPTN Obligations. Review the relevant OPTN Policies and Bylaws associated with your case. Make sure you understand the requirements and your options.

Member Quality staff provides a list of all MPSC members who may be present on the day of the presentation, including ex-officio Committee members from HRSA.

Address the MPSC's concerns outlined in your interview offer letter. Contact Member Quality staff for clarification or additional information.

Decide who will attend the interview. The MPSC encourages you to make sure you bring anyone who is the best suited to answer the MPSC's questions or concerns. The MPSC may request that certain staff participate.

- For example, consider whether you should bring someone who can discuss your quality systems, metrics, staff training, and process improvements; a senior leader who can discuss the institution's commitment, resources and governance; a front line manager who can discuss day to day operations and oversight, or staff who were involved in a specific incident.
- Provide your attendee list, including names and titles of participants, to Member Quality staff by the deadline in the attached letter.

Determine what additional information you would like the MPSC to review before the presentation. Consider what information you submitted to the MPSC before its last review. What new information can you share to address the concerns outlined in your MPSC letter? What information about your organization do you want to share with the MPSC?

For applications, examples of information submitted for the MPSC's review include:

- Additional primary surgeon and/or primary physician experience
- Updated surgical and/or recipient logs
- Expanded details of your quality processes and/or training procedures
- Established organizational chart, including new and open positions
- Planned and ongoing recruitment efforts

For other cases, examples of information submitted for the MPSC's review include:

- Updated or expanded timeline of events
- Revised corrective action plan
- Assessed effectiveness of your corrective action plan(s)
- Amended policies and procedures
- Expanded details of your quality processes and/or training procedures
- Established organizational chart, including new and open positions
- Planned and ongoing recruitment efforts

Submit all information by the deadline in the attached letter. This allows the MPSC to have sufficient time to review the materials before the interview. If you bring paper documents for the Committee on the day of the interview, the time required to distribute and collect the materials is deducted from your presentation time. It is your responsibility to retrieve and properly dispose of paper documents.

Prepare your presentation. The standard time available for your presentation is 15 minutes. Remember the time constraints and plan accordingly for the most concise and relevant presentation possible. The question and answer session provides some of the most valuable information; therefore, we allocate 30 minutes for that portion of the interview. Provide a copy of the presentation to Member Quality staff by the deadline in the attached letter. Prior to the interview, the Subcommittee reviews a pdf version of the presentation, unless you request otherwise.

If the interview is in Chicago, plan and book your travel arrangements. We make every effort to manage the day's agenda; however, we may begin your presentation up to an hour early or we may need to delay your start time by as much as 30 to 45 minutes. When organizing your departure, please make sure you allow sufficient time to check in and go through security at O'Hare Airport, a busy hub for the Midwest. Provide Member Quality staff with your travel arrangements and contact information while traveling.

### **What should we expect at the interview?**

If the interview is in-person, please email your staff contact when you arrive at the hotel.

- A staff member meets you in the designated conference room and escorts you to the Grand Ballroom approximately 15 minutes before your presentation. Do not leave any items unattended while in this room, or leave anything in the room during the presentation. You will not have access to this room after your presentation.

- The staff member escorts you into the meeting room. The MPSC Chair and Vice Chair greet you and show you to your seats.
- Provided to you at your seats is a remote to advance your slides, water pitchers and glasses, pen and paper, and microphones. You may remain seated during the entire presentation. Please speak directly into a microphone at all times.

If the interview is by conference call, register for the GoToTraining prior to the call.

- Make sure all participants have the registration information or you may gather in a conference room with one person's registration.
- A staff member on the phone line informs you when the MPSC is ready to join the call.

The MPSC Chair reads an introductory statement for the record and asks you to introduce your participants, after which you can begin your presentation.

The MPSC Chair notifies you when you have approximately two minutes remaining to present information. The Chair opens the floor for questions immediately following your presentation.

At the conclusion of the question and answer session, a staff member escorts you out of the room. You may wait outside of the Grand Ballroom while the MPSC deliberates.

A staff member notifies you of the MPSC's decision at the conclusion of the deliberations. You should receive a formal letter and interview summary with additional details within two weeks of the interview, including details of the MPSC's concerns and next steps. The informal discussion summary includes a list of participant names. Staff also sends a survey asking about your experiences preparing for the informal discussion and any ways we could improve the process.

## **WHAT TO EXPECT: HEARINGS WITH THE OPTN MPSC**

### **What do we need to do before the hearing?**

The MPSC offers a hearing to members when the MPSC is considering recommending that the Board of Directors take the actions of Probation or Member Not in Good Standing. Hearings are formal procedures during which the OPTN presents information explaining the rationale for its recommendation. Hearings are the final opportunity for the member to present information for the MPSC to consider before the MPSC makes its recommendation to the Board of Directors.

If your organization wishes to exercise its right to a hearing, you must submit written notification within the timeframe specified in your letter. Provide staff with the name and contact information for your counsel as soon as possible, but no later than the date specified in your hearing offer letter. Member Quality staff provides a list of all MPSC members who may be present on the day of the presentation, including ex-officio Committee members from HRSA.

Review the relevant OPTN Policies and Bylaws associated with your case. Make sure you understand the requirements and your options.

Address the MPSC's concerns outlined in your hearing offer letter, and review the questions included in your interview summary. Contact Member Quality staff for clarification or additional information.

Counsel represents both sides and presents opening statements, witness testimony, and has the opportunity to cross examine witnesses. During the question and answer portion of the hearing, the MPSC may ask questions of anyone present.

Decide who will attend the hearing. The MPSC encourages you to make sure you bring anyone who is best suited to answer the MPSC's questions or concerns. The MPSC may request that certain staff participate.

- For example, consider whether you should bring someone who can discuss your quality systems, metrics, staff training, and process improvements; a senior leader who can discuss the institution's commitment, resources and governance; a front line manager who can discuss day to day operations and oversight, or staff who were involved in a specific incident.
- Provide your attendee list, including names and titles of participants, to Member Quality staff by the deadline provided in the hearing scheduling letter.
- Staff notifies you of a deadline to provide the names and titles of all witnesses participating at the hearing and a brief a summary of their anticipated testimony(s). The OPTN provides your organization with the names of its witnesses and a summary of its witnesses' anticipated testimonies by the same day and time.

Staff provides you with a complete file of all documents provided to the MPSC during their review of the issue. Determine what additional information you would like the MPSC to review before the presentation. Consider what information you submitted to the MPSC before its last review. What new information can you share to address the concerns outlined in your MPSC letter? What information about your organization do you want to share with the MPSC? If the MPSC has requested additional documentation prior to the hearing, make sure to submit the information by the requested date, so that the MPSC has time to review the documents prior to the hearing.

Examples of information submitted for the MPSC's review include:

- Updated or expanded timeline of events
- Revised corrective action plan
- Assessed effectiveness of your corrective action plan(s)
- Amended policies and procedures
- Expanded details of your quality processes and/or training procedures
- Established organizational chart, including new and open positions
- Planned and ongoing recruitment efforts

Submit all information by the deadline stated in the letter. This allows the MPSC to have sufficient time to review the materials before the hearing. You may provide a PowerPoint presentation to staff with your submission, or bring the presentation with you on a thumb drive to upload on the provided laptop right before your appearance. Please note that it is preferable to provide your presentation prior to the day of your hearing so that staff can ensure that it projects properly and allows ample time for adjustments. Staff does not share your presentation with the committee prior to the hearing. If you bring paper documents for the Committee on the day of the hearing, staff distributes them to the Committee members. However, the MPSC most likely won't have time to review the information prior to the start of the hearing. It is your responsibility to ship, retrieve, and properly dispose of paper documents.

Prepare your testimony. Determine who serves as your witnesses and the topics that you want them to cover. Please note that time limits are strictly enforced during the hearing. The standard time available for your presentation is 45 minutes, with an additional time for opening statement, rebuttal, and closing statement. Remember the time constraints and plan accordingly for the most concise and relevant presentation possible. The OPTN has the same amount of time to present the reasons for the proposed action. The question and answer session provides some of the most valuable information; therefore, we allocate at least 60 minutes for that portion of the presentation.

Plan and book your travel arrangements. While timelines are strictly enforced, the MPSC's deliberations may take a variable amount of time based on the information presented at the hearing. When organizing your departure, please make sure you allow sufficient time to check in and go through security at O'Hare Airport, a busy hub for the Midwest. Please provide Member Quality staff with your travel arrangements and contact information while traveling.

### **What should we expect at the hearing?**

Please email your staff contact when you arrive at the hotel.

A staff member will meet you outside the Grand Ballroom approximately 15 minutes before the hearing start time.

The staff member escorts you into the meeting room. The MPSC Chair and Vice Chair greet you and show you to your seats.

Provided to you at your seats is a remote to advance your slides, water pitchers and glasses, pen and paper, and microphones. You may remain seated during the entire presentation. Please speak directly into a microphone at all times.

The MPSC Chair reads an introductory statement for the record and the MPSC Chair asks you to introduce your participants, after which the court reporter swears in all witnesses. The OPTN representative begins with their opening statement, after which your representative does the same. The OPTN witnesses then testify, followed by cross examination and any rebuttal.

After a break, your witnesses testify. The MPSC Chair notifies you when you have approximately two minutes remaining in your witness testimony. Cross examination and rebuttal follow after witness testimony.

After another break, the Chair opens the floor for questions from the MPSC.

At the conclusion of the question and answer session, each side gives their closing statements. Staff then escorts you and the OPTN witnesses out of the room. You may wait outside of the Grand Ballroom while the MPSC preliminarily deliberates. Once the deliberations are over, a staff member escorts you back into the Grand Ballroom where the Chair shares the MPSC's overall concerns. You then have five minutes to provide a response to address the concerns of the committee prior to their final deliberations.



A staff member notifies you of the MPSC's decision at the conclusion of the committee's final deliberations. You should receive an official hearing transcript and formal letter from the MPSC with additional details within two weeks of the hearing, including details of the MPSC's concerns and next steps. The hearing transcript includes the names of all individuals present during the presentation. Staff also sends a survey asking about your experiences preparing for the hearing and any ways staff could improve the process.

## **WHAT TO EXPECT: APPEARANCES BEFORE THE OPTN BOARD OF DIRECTORS**

### **What do we need to do before the Board appearance?**

Members and the OPTN MPSC Chair may appear before the Board of Directors prior to the Board of Directors taking a final action on an MPSC recommendation of Probation or Member Not in Good Standing. Appearances before the Board of Directors are formal procedures that provide an opportunity for the MPSC Chair to explain the MPSC's recommendation and for a member to present specific reasons as to why the Board of Directors should not support the MPSC's recommendation.

If your organization wishes to exercise its right to appear before the Board of Directors, you must submit written notification within the timeframe specified in your letter. Along with your request to appear before the Board of Directors, you must also provide the specific disagreements with the OPTN's findings of fact, conclusions, or procedural issues that you plan to contest before the Board of Directors.

Address the MPSC's concerns outlined in your Board appearance offer letter, and review the transcript of the hearing and the concerns expressed by the MPSC after their deliberations. Contact Member Quality staff for clarification or additional information.

Decide who attends the Board appearance. Then make sure you bring anyone who is the best suited to answer the Board's questions or address the disagreements with the OPTN's findings of fact, conclusions, or procedural issues.

- Provide your attendee list, including names and titles of participants, to Member Quality staff by the deadline provided in the scheduling letter.
- Staff notifies you of a deadline to provide the names and titles of all participants.

Staff provides the Board of Directors with a complete file of all documents provided to the MPSC during their review of the issue, as well as a hearing panel report and hearing transcript. Determine what additional information you would like the Board to review before the presentation. Consider what information you submitted to the MPSC before its last review and what new information you can share to address the concerns outlined in your MPSC letter.

Examples of information submitted for the Board's review include:

- Detailed summary of disagreements with the OPTN's findings of fact, conclusions, or procedural issues
- Revised corrective action plan
- Assessed effectiveness of your corrective action plan(s)
- Amended policies and procedures

Submit all information by the deadline in the offer letter, which allows the Board to have sufficient time to review the materials before the Board appearance. Provide a PowerPoint presentation to staff by the date requested so they can ensure that it projects properly. Staff does not share your presentation with the Board prior to the appearance.

Prepare your presentation. Determine who speaks before the Board and the topics that you want them to cover. Please note that time limits are strictly enforced during the Board appearance. The standard time available for your presentation is 10 minutes. Remember the time constraints and plan accordingly for the most concise and relevant presentation possible. The MPSC Chair also has 10 minutes to present information on the MPSC's recommendation. The question and answer session provides some of the most valuable information; therefore, we allocate at least 15 minutes for that portion of the presentation.

Plan and book your travel arrangements. When organizing your departure, please make sure you allow sufficient time to check in and go through security at the airport. Provide Member Quality staff with your travel arrangements and contact information while traveling.

### **What should we expect at the Board appearance?**

Please email your staff contact when you arrive at the hotel.

A staff member meets you outside the meeting room approximately 15 minutes before the Board appearance start time.

The staff member escorts you into the meeting room and shows you to your seats.

Provided to you at your seats is a remote to advance your slides, water pitchers and glasses, pen and paper, and microphones. You may remain seated during the entire presentation. Please speak directly into a microphone at all times.

The OPTN President reads an introductory statement for the record and asks you to introduce your participants, after which you can begin your presentation. After your presentation, the MPSC Chair presents information on the MPSC's decision. The President then opens the floor for questions from the Board.

At the conclusion of the question and answer session, a staff member escorts you out of the room. You may wait outside of the meeting room while the Board deliberates. A staff member notifies you of the Board's decision at the conclusion of the deliberations. You should receive a formal letter with additional details within two weeks of the Board appearance, including next steps.