

**OPTN Ethics Committee
General Considerations in Assessment for Transplant Candidacy (CAT) Rewrite Subcommittee
Meeting Summary
September 16, 2020
Conference Call**

**Keren Ladin, PhD, Chair
Catherine Vascik, BSN, RN, Co-Chair**

Introduction

The General Considerations in Assessment for Transplant Candidacy (CAT) Rewrite Subcommittee met via Citrix GoToMeeting teleconference on 09/16/2020 to discuss the following agenda items:

1. Review Draft and Discuss References

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

1. Review Draft and Discuss References

The Subcommittee reviewed and discussed each section of the *General Considerations in Assessment for Transplant Candidacy (CAT) Rewrite* draft document.

Summary of discussion:

The Subcommittee was asked to review the draft and provide comments on how to strengthen the document through ethical analysis and supporting references.

UNOS staff shared that the "Final Rule Analysis" is still being developed by internal staff.

Preamble

The Chair asked if there are other ethical considerations the Subcommittee would like to call out in the preamble. No other ethical considerations were suggested.

The Subcommittee chose to reference the Ethics Committee's white papers throughout the document in order to send the reader to other resources that appear on the OPTN website. Language will be added to the "Preamble" section that refers to the *Ethical Principles in the Allocation of Human Organs* white paper and briefly defines the three ethical principles. With the addition of this statement, the Subcommittee agreed on what is currently written.

Life Expectancy

The Chair recommended removing the language "on age related factors or co-morbidities" to avoid duplication of what is stated in the next sentence. This section would benefit from references to strengthen the existing content.

UNOS staff commented that there is an established law governing the use of age as a criteria and recommended that the Subcommittee include a reference to this law and discuss the ethical considerations that coincide with it. The Chair noted that the legal constraints are governed by the Age Discrimination Act of 1975, in which age, in itself, cannot be used to discriminate. There are also justice concerns with using age singularly as a category.

A Co-chair suggested mentioning that the focus of this section is the recipient and there may be value in discussing the longevity of the organ as it relates to the recipient's age. The Chair agreed that discussing the organ's longevity in this section is warranted. The guiding ethical principle of this thought is utility.

UNOS staff suggested including a discussion of utility in this section to provide more clarity to a lay reader. The Chair noted that the original white paper was brief and did not go into detail about the ethical considerations. It was discussed if this document should complement the existing white papers published by the Ethics Committee or if it should stand alone and provide more detail.

The Subcommittee chose to rewrite a sentence to read "While some conditions may be correlated to age, age itself may not be used to restrict transplantation."

A reference to the *Ethical Principles in the Allocation of Human Organs* white paper will be added when the principle of utility is introduced in this section.

Organ Failure Caused by Behaviors

The Subcommittee chose to retitle this section to "Potentially Injurious Behavior." The phrase "potentially injurious" replaced "risky" throughout the section.

The group edited a sentence to note that this section's ethical principle of utility could be outweighed by considerations of justice and respects for persons.

The member who was tasked with authoring this section will be followed up with to provide references.

Several other edits were made and will be reflected in the draft provided to the full Committee. The members agreed that the section was improved. UNOS staff recommended adding a reference to the Committee's previous white paper.

Adherence

A member used the definition of adherence from the World Health Organization's report *Adherence to long-term therapies: evidence for action*. UNOS staff will add this reference to the white paper.

The Subcommittee considered referencing OPTN Living Donor policy relating to adherence. Adherence is also addressed in section "C. Allocation and Access" of *Ethical Principles in the Allocation of Human Organs* which will be added as a citation.

The use of the word "resources" was questioned. The Chair commented that this word is intended to encompass transport, health aid, or any other resource that would impact adherence.

Incarceration Status

A member's reference defining recidivism factors will be added to this section. The Chair noted that there is an OPTN white paper regarding this issue that can be referenced.

Immigration Status

The Chair asked UNOS staff to research if there are any OPTN white paper or guidance documents that address the immigration status of transplant candidates. The Subcommittee discussed whether or not the 5% rule should be referenced. In the last meeting, it was determined that this would not be included as it was never policy. The HRSA representative confirmed that there are no thresholds for the percentage of non-citizen donors, candidates, or recipients that a program may serve. However, this information is tracked and reported to the Ad Hoc International Relations Committee. Executive summaries from this Ad Hoc Committee may be useful to reference.

Social Support

References will be incorporated that have been received from the Chair.

Final Rule Analysis

UNOS staff will present an outline for the Final Rule Analysis to the full Committee during the September 17th meeting. This outline includes the following points:

- Transplant hospitals are responsible for listing candidates
- Listing decisions include use of non-objective, non-measurable criteria
- Such criteria cannot always be standardized, which may lead to inequitable listing practices
- However, ethical analysis of such criteria may reduce those inequities
- Committee has authority to provide ethical analysis of non-objective, non-measurable criteria

This information will be shared the Committee prior to discussing the draft content.

Next steps:

A draft will be sent to full Committee prior to the September 17, 2020 meeting. The full Committee will be asked to respond to the ethical analysis of each section.

Upcoming Meeting

- October 21, 2020

Attendance

- **Subcommittee Members**
 - Catherine Vascik
 - Keren Ladin
 - Roshan George
 - Tania Lyons
- **HRSA Representatives**
 - Jim Bowman
- **UNOS Staff**
 - Eric Messick
 - Joel Newman
 - Rebecca Murdock
 - Sarah Konigsburg
 - Susan Tlusty