

ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK (OPTN) CHARTER

This Charter governs the structure and operation of the Organ Procurement and Transplantation Network (OPTN).

ARTICLE I. ORGANIZATION

The OPTN is authorized by the National Organ Transplant Act of 1984, as amended, 42 U.S.C. 273 et seq. The OPTN is a private, nonprofit entity that has an expertise in organ procurement and transplantation. The OPTN Contractor serves as the OPTN by contract with the Department of Health and Human Services (HHS).

ARTICLE II. PURPOSE

The purpose of the OPTN is to carry out the statutory functions listed in NOTA at 42 U.S.C. §274(b)(2)(A)-(O)).

ARTICLE III. BOARD OF DIRECTORS

The OPTN shall be governed by a Board of Directors. In accordance with the OPTN Final Rule at §121.3(a), the Board of Directors shall include:

- (a) Approximately 50% transplant surgeons or transplant physicians;
- (b) At least 25% transplant candidates, transplant recipients, organ donors, and family members representing the diversity of the population of transplant candidates, transplant recipients, organ donors, and family members served by the OPTN, including, to the extent practicable, the minority and gender diversity of this population. These members shall not be employees of, or have a similar relationship with Organ Procurement Organizations (OPOs), transplant hospitals, voluntary health organizations, transplant coordinators, histocompatibility experts, or other non-physician transplant professionals. The Board of Directors may, however, waive this requirement for not more than 50% of this category of members;
- (c) Representatives of OPOs, Transplant Hospitals, voluntary health associations, transplant coordinators, histocompatibility experts, non-physician transplant professionals, and the general public, as well as at least one member representing pediatric-specific interests; and
- (d) The Contracting Officer's Representative for the OPTN Contract and the Director of the Division of Transplantation, within the Health Resources and Services Administration, HHS, or their designees, as ex-officio, non-voting members.

The Board of Directors shall perform the duties detailed in, and in accordance with, NOTA and the OPTN Final Rule, including:

- a) Electing an Executive Committee from the membership of the Board;
- b) Appointing an Executive Director of the OPTN
- c) Establishing such other committees as are necessary to perform the duties of the OPTN.

ARTICLE IV. MEMBERSHIP

There shall be three categories of members of the OPTN. These are: 1) transplant hospitals participating in the Medicare or Medicaid programs; 2) all organ procurement organizations

(OPO), and 3) other organizations, institutions, and individuals that have an interest in the fields of organ donation or transplantation, including transplant hospitals that do not participate in the Medicare or Medicaid programs, medical/scientific members, public organization members, business members, and Individual Members. The OPTN Bylaws shall specify the requirements for applying to be an OPTN member and the responsibilities of an OPTN member.