

**OPTN Executive Committee
Code of Conduct Work Group
Meeting Summary
May 22, 2024
Webex**

Dianne LaPointe Rudow, ANP-BC, DNP, FAAN, Chair

Introduction

The OPTN Executive Committee Code of Conduct Work Group met via Webex teleconference on 05/22/2024 to discuss the following agenda item:

1. Welcome & Announcements
2. Compliance Officer: Review of Reports
3. Appeals Process
4. Social Media Guidelines

1. Welcome & Announcements

Dianne LaPointe Rudow, Work Group Chair, welcomed the members to the meeting and presented the proposed meeting agenda.

Contractor staff shared a high-level summary of public comment feedback the proposal received, and the themes seen throughout public comment. They shared that during public comment, the proposal received support for a Code of Conduct and Whistleblower policies in general. They explained that the community shared concerns about a Board member serving as the compliance officer, asked for additional clarification on the review and adjudication of reports, the appeals process, and public statements. Contractor staff shared that the community recommended changes to responsibilities that fall under “duty of care” within the Code of Conduct.

Summary of Discussion:

A work group member shared that during their review of public comment feedback, they saw overall support for the proposal with some suggested amendments. A work group member asked how many complaints the OPTN may receive if the proposal is implemented. The work group also discussed how the complaints would be handled and what entity would initially receive the complaints if the proposal were implemented.

A representative from HRSA noted that if during the meeting the work group made substantive changes to the proposal, then the proposal would need to undergo another legal review by HRSA. Dr. LaPointe Rudow explained that the proposal needs to be implemented by July 1. Dr. LaPointe Rudow asked that in the future, the government share their feedback in advance so the work group is able to implement their edits within the proposal, and so the community has ample time to understand the changes.

2. Compliance Officer: Review of Reports

Contractor staff presented options on how the compliance officer may review and receive reports related to the Code of Conduct. Contractor staff explained that based on prior conversations within the work group and with legal input, it would be difficult to hire someone outside of the OPTN to serve as the compliance officer, but there are other ways the work group could consider incorporating a third

party into the review process. Contractor staff presented different options for the work group to consider as it pertains to the compliance officer's role and the role of a third-party entity for Code of Conduct complaints. Contractor staff presented ways that complaints can be collected from the community and whether this is an opportunity to engage a third-party vendor.

Contractor staff then presented options for the work group to consider as it pertains to the compliance officer's role with whistleblower complaints. Contractor staff presented options where an independent third-party organization could be involved in the process.

Summary of Discussion:

The work group discussed the best way to receive complaints from the community. A work group member shared that having a call-in hotline for reports would not be as effective as an online intake process. The work group also discussed matters of arbitration and whether this should be handled by a third-party vendor for code of conduct reports.

The work group discussed how members of the community could submit complaints of non-compliance to whistleblower policies and bylaws. Work group members suggested that the intake form for these complaints include the definition of a whistleblower.

3. Appeals Process

Contractor staff shared that during public comment, the proposal received recommendations for clarification on what recourse someone may have if they are accused of a violation. Contractor staff explained that as it pertains to the appeals process, draft language was shared with the work group to consider. Contractor staff noted that the language shared was informed by the current Membership & Professional Standards Committee's (MPSC) appeals process for OPTN members.

Contractor staff shared potential options for the work group to consider for an appeals process. Contractor staff presented options for the appeals process and what recourse an accused person may have if their allegation is confirmed.

Contractor staff discussed the appeals process as it relates to the whistleblower protection policy. They explained that the bylaw language for whistleblower protection is not as specific about how reports would be resolved since the scope of potential reports is broader. Contractor staff noted that there has been no specific appeals process outlined at this time.

Summary of Discussion:

The work group discussed due process and how this could be included within the appeals process. Contractor staff shared that this was a theme seen during public comment. The work group discussed whether there should be a third-party mediator for members that have been accused of a violation. When discussing what an accused member may do if their an allegation against them is confirmed, the work group discussed and decided that anyone who is accused of an allegation should be permitted to appear before the body that has confirmed their allegation. The work group also discussed what next steps a member could take following a confirmed allegation and whether they could appeal to HRSA. The work group also discussed what would happen if the accused were part of the Board of Directors.

4. Social Media Guidelines

Contractor staff shared the social media guidelines that had been drafted based on the work group's discussion during their prior meeting.

Summary of Discussion:

The work group discussed and reviewed the language to ensure it achieved the work group's intended purpose.

Attendance

- **Work Group Members**
 - Andrea Tietjen
 - Christopher Jones
 - Dianne LaPointe Rudow
 - Jen Lau
 - Jim Sharrock
- **HRSA Representatives**
 - Frank Holloman
- **UNOS Staff**
 - Anna Messmer
 - James Alcorn
 - Kaitlin Swanner
 - Kimberly Uccellini
 - Morgan Jupe
 - Shandie Covington
 - Susie Sprinson