

**New York State Transplant Council
Minutes of the May 25, 2022 Meeting**

Council Members in Attendance by Video Conference:

Council Members: Lewis Teperman, MD - Acting Chairperson; Barbara Breckenridge; Patricia Dahl; Jean Emond, MD; Andrew Flescher, Ph.D.; Nancy Gallo, RN; Aaron Glatt, MD; Kevin Gramlich; Michael Kerr; Milan Kinkhabwala, MD; Chris Kjolhede, MD; Naveed Masani, MD; Nancy Metzler; Ernesto Molmenti, MD; Michael Sosna

Persons Pending Appointment to the Council in Attendance by Video Conference:

Liise Kayler, MD

Council Members Not in Attendance: Aaron Glatt, MD; Ronnie Schwartz

Invited Guests and Speakers: Samantha Delair, NY Center for Liver Transplantation; Colleen Flores, Northwell Health; Carrie Lindower, NYKidney; Jerry McCauley, UNOS

Staff: N. Agard; D. Hamdan; M. Hennessey; T. Irizarry; M. Kohn; M. Morelli; J. Morley; J. Riegert; K. Salvio; S. Shulman

Meeting Summary

1. Call to Order, Report of the Chairperson and Review of Rules and Conduct of the Meeting

Dr. Teperman, Acting Chair for the NYS Transplant Council, called the meeting to order at 1 pm and briefly reviewed the agenda.

Members introduced themselves and Dr. Teperman introduced Dr. Kayler, a pending appointments to the Council.

2. Approval of Minutes

Dr. Teperman asked Council members to review the minutes of the November 10, 2021 meeting and asked if there were any questions or concerns about the draft. There were no questions or concerns raised. A motion to approve was made by Mr. Sosna, seconded by Ms. Gallo. The motion to approve the minutes was approved; no abstentions, no disapprovals.

3. Welcome and Remarks by Dr. John Morley, Deputy Commissioner, Office of Primary Care and Health Systems Management

Dr. Morley introduced himself and described his position in the Department. He stated he would be attending Council meetings representing the Commissioner and Department Senior leadership. He indicated that the Department's priorities including increasing access to care, seeking to increase health equity and reduce health disparities. He stated that improving access to transplantation was part of those priorities. Dr. Morley thanked Council Members for their service to the state and the people of New York and entertained questions.

4. Staff Report

Brief Review of Bylaws and Rules/Conduct of the Meeting

Ms. Agard walked through the Rules of the meeting and explained that the order of items on the agenda may shift as speakers and invited guests to become available. Review of

the meeting rules included a brief review of Council Bylaws and Public Officers Law where applicable to Council meetings and member responsibilities.

Amendments to the Open Meetings Law (OML)

Jason Riegert, Esq., attorney for the organ donation and transplantation program, provided information about changes that have been made to the OML including those changes made related to use of videoconferencing. Mr. Riegert explained that under extraordinary circumstances members of the Council could participate by videoconferencing in a non-public location if the Council passed a resolution allowing that to occur.

Dr. Emond made the following motion; Dr. Flescher and Mr. Sosna seconded: "Under extraordinary circumstance, this public body permits a member to participate remotely by videoconference from a location not open to the public. Extraordinary circumstances shall include, but not be limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting."

Dr. Teperman asked if there was any discussion of the motion; there was none. A vote was taken and the motion was approved unanimously with no abstentions or objections.

5. Update on Federal, State and Departmental Activities –

Federal Updates:

a. UNOS Update:

Dr. McCauley, incoming UNOS President, spoke to the Council updating them on OPTN and UNOS initiatives including the:

- status of transplantation in 2021;
- impact of COVID 19 on UNOS policies and resources available for patients regarding COVID 19;
- timeline for implementation of continuous distribution of organs;
- implementation of new transplant hospital metrics;
- status on predictive analytics, offer filters and individual member focused improvements underway;
- OPTN Region redesign work underway; and
- UNOS plan to address NASEM Report.

Dr. McCauley responded to questions from Council Members and Dr. Teperman thanked him for coming.

b. Report on the National Academy of Sciences, Engineering and Medicine (NASEM) Report on Realizing the Promise of Equity in the Organ Transplantation System.

Ms. O'Donnell Flores provided the Council and overview of the NASEM report and slides presented at the National Transplant Quality Forum. She noted the three areas of focus of the report being need to improve equity in the system, efficiency and system performance and use more donated organs and the 14 recommendations included in the NASEM report.

Council Members voiced appreciation for Ms. Flores presentation. Discussion followed regarding it's applicability to NYS, UNOS and HRSA's response. The

group concluded we would need to look at the report more closely and discuss further.

c. Advancing Kidney Health Initiatives

Ms. Lindower, Executive Director of NYKidney, gave an update on the implementation of Executive Order on Advancing Kidney Health and the activities of NYKidney. She reviewed the current ESRD Treatment Choices Learning Collaborative CMS/HRSA initiative and NYKidney ongoing and new initiatives.

d. Updates on the Changes to the CMS Conditions for Coverage for OPOs

Mr. Gramlich, CEO of the WNY OPO, ConnectLife and Council Member, updated the Council on the new CMS Conditions for Coverage (CfP) which include new outcome measures to be implemented 8/1/2022 to coincide with the start of the next OPO certification period. The new CfC include changes to definitions that will impact how OPO performance will be measured. OPOs performance will then be compared to each other and OPOs with lower than desired donation and transplant rates will be required to improve their rates through QAPI activities. At the end of each re-certification period, each OPO will be assigned a ranking. The highest performing OPOs ranked on the top 25% will be assigned to Tier 1 and automatically recertified for another 4 years. Tier two OPOs will be those whose performance on both measures are higher than the mean but not in the top 25%. They will not be automatically recertified and will need to compete to retain the OPO for the designated region (donor service area). The performance of tier three OPOs are below the median of OPO performance and will be decertified and not able to compete for any other open OPO.

2020 Tier determination for NYS OPOs identifies that they are all vulnerable. Much discussion followed.

State and Departmental Update

Ms. Agard updated the Council on implementation activities underway related to the NY Gift Act and Human Organ Deliver Vehicle and reported that the updated Healthcare Proxy form is in the final approval phase before translation and posting.

The Department continues to work with the Board of Elections as they transition to electronic and automatic voter registration. Work with the Department of Environmental Conservation adding the Lauren's Law question to their licensing applications is underway. Adding the Lauren's Law question to the electronic applications of the Office of Temporary Disability Assistance and Higher Education Services Corporation has been delayed.

Ms. Agard reviewed a number of bills affecting organ donation that are before the NYS Legislature. Members asked that bill numbers be provided so they could advocate for their passage.

Dr. Kohn, Director of Tissue Resources Program at Wadsworth Center, spoke to the Council about updates to the Eye and Tissue Bank regulations being proposed, asked for their thoughts and requested that they provide him with comments.

6. Report of Special and Standing Committees

Certificate of Need Regulatory Review Committee

Dr. Teperman gave a brief update of the CON meeting prior to the Council meeting. He explained that after much discussion, the Committee has narrowed the list of priority factors contributing to “need” to be access to quality transplant services, disease burden in the service area, availability of required resources and the facility culture of donation. Dr. Teperman and Committee Members responded to questions raised by Council members.

7. New and Other Business

Bassett Health Care Donor Question in their EMR

Dr. Kjolhede, Council Member, Pediatrician and Donor Dad, described how Bassett Healthcare had imbedded a link to the Registry on its patient facing EMR portal (Epic), how they did it and its impact on Registry enrollments to date. Registry partnerships were briefly discussed.

COVID 19 and Transplantation in NYS

Ms. Delair, Executive Director of the NY Center for Liver Transplantation (NYCLT) reviewed finding of NYCLT’s data collection from transplant center on patients that tested positive, were hospitalized, intubated, discharged and died by organ from March 2020 through March 2023. The changes over time were tracked and discussed. Members noted what looked to be an approximate mortality rate of 10% of the population included in the NYCLT data. Further data analysis to be carried out if possible. Questions were asked about COVID vaccination practices among providers with most strongly recommending it but not mandating vaccination.

Dr. Teperman reported on a conversation he had recently with the White House COVID team about the use of Evusheld. He asked Council members if they were giving this medication, if they were having problems with accessing the medication, what their experiences with this drug were, etc. The group discussed that they were giving it to their patients but that there did not seem to be data collection being done to evaluate use or supply. There were concerns raised as to whether there would be enough for subsequent doses as advised by the administration guidelines. Dr. Teperman asked members whether we should advise the White House to purchase additional doses for our patients. Council Members agreed that they would advise the White House to purchase more doses of Evusheld for treatment of transplant and other immune compromised patients.

A motion was proposed by Barbara Breckenridge that the DOH write a letter to the White House COVID team supporting the purchase of additional doses of Evusheld to be available for use with transplant and other immunocompromised patients. The motion was seconded by Dr. Molmenti. The motion passed unanimously.

Ms. Delair completed her report by presenting data about liver transplantation, changes in the liver transplant waiting list and deaths on the waitlist over time and after the changes to the UNOS liver allocation policies and implementation of acuity circles. Discussion followed and Members thanked Ms. Delair for collecting and analyzing this data.

Adjourned

- Motion to Adjourn the meeting was made and seconded.
- The meeting adjourned at 3:43 p.m.

Approved by Transplant Council .5/23/2023