

ADVISORY COMMITTEE ON ORGAN TRANSPLANTATION

CHARTER

Purpose

The Department of Health and Human Services (HHS) has a vital role in safeguarding and promoting public health by overseeing the development of an equitable and effective organ donation, procurement, allocation, and transplantation system in the United States. The recommendations of the Advisory Committee on Organ Transplantation will facilitate HHS efforts to oversee the Organ Procurement and Transplantation Network (OPTN), as envisioned in the National Organ Transplant Act of 1984, as amended.

Authority

42 U.S.C. 217a; Section 222 of the Public Health Service Act, as amended; 42 CFR 121.12 (64 FR 56661). The Committee is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Function

The Committee shall advise the Secretary, acting through the Administrator, Health Resources and Services Administration (HRSA), on all aspects of organ donation, procurement, allocation, and transplantation, and on such other matters that the Secretary determines. One of its principal functions shall be to advise the Secretary on ways to maximize Federal efforts to increase living and deceased organ donation nationally.

The Committee shall, at the request of the Secretary, review significant proposed OPTN policies submitted for the Secretary's approval to recommend whether they should be made enforceable. It shall provide expert input to the Secretary on the latest advances in the science of transplantation, the OPTN's system of collecting, disseminating and ensuring the validity, accuracy, timeliness and usefulness of data, and additional medical, public health, ethical, legal, financial coverage, social science, and socioeconomic issues that are relevant to transplantation.

Structure

The Committee shall consist of up to 25 members, including the Chair. Members and Chair shall be selected by the Secretary from individuals knowledgeable in such fields as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members. Members shall be selected who are external to the OPTN governing Board

of Directors. To the extent practicable, Committee members should represent the minority, gender and geographic diversity of transplant candidates, transplant recipients, organ donors and family members served by the OPTN.

The Committee also shall consist of the Director of the National Institutes of Health, Administrator of the Centers for Medicare and Medicaid Services, Commissioner of the Food and Drug Administration, Director of the Centers for Disease and Prevention, and Director of the Agency for Healthcare Research and Quality (or the designees of such officials), each of whom shall be a non-voting ex-officio member. The Secretary also may appoint other non-voting ex officio members, or designees of such officials, as the Secretary deems necessary for the Committee to effectively carry out its function.

As necessary, standing and ad hoc subcommittees, composed of members of the parent committee, may be established with the approval of the Secretary or his designee to perform specific functions within the Committee's jurisdiction. The Department Committee Management Officer shall be notified upon establishment of each subcommittee, and shall be provided information on its name, membership, function, and estimated frequency of meetings.

Members shall be invited to serve for overlapping 4-year terms. Terms past the termination date of the Committee are contingent upon renewal of the Committee by appropriate action prior to this date. Members may serve after the expiration of their term until their successors have taken office, but no longer than 180 days. The Secretary shall appoint a Chair from among the Committee members.

A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subjected to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the remainder of the term of the member replaced. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

Management and support services shall be provided by HRSA's Healthcare Systems Bureau.

Meetings

Meetings shall be held at least 2 times per year at the call of the Designated Federal Officer or designee who shall approve the agenda and shall be present at all meetings.

A majority of the Committee shall constitute a quorum.

Meetings shall be open to the public except as determined otherwise by the Secretary or other officials to whom the authority has been delegated in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)). Notice of all meetings shall be provided to the public. Meetings

shall be conducted, and records of the proceedings kept, as required by applicable laws and departmental regulations.

Compensation

Members shall be paid at a rate of \$200 for each day they are engaged in the performance of their duties as members of the Committee. Members shall receive per diem and travel expenses as authorized by 5 U.S.C. 5703, as amended, for persons employed intermittently in the Government service. Members who are officers or employees of the United States shall not receive compensation for service on the Committee.

Annual Cost Estimate

Estimated annual cost for operating the Committee, including compensation and travel expenses for members but excluding staff support, is \$269,308. Estimated annual person-years of staff support required is 0.80, at an estimated annual cost of \$103,323.

Reports

In the event a portion of a meeting is closed to the public, as determined by the Secretary of HHS, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b (c)) and the Federal Advisory Committee Act, a report shall be prepared that shall contain, at a minimum, a list of members and their business addresses, the Committee's function, dates and places of meetings, and a summary of Committee activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

Termination Date

Unless renewed by appropriate action prior to its expiration, the Advisory Committee on Organ Transplantation will terminate on September 1, 2010.

APPROVED:

8/20/2008
Date

/s/ Wendy B. Ponton
Director, Office of Management