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House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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Opening Statement
Chairman Raja Krishnamoorthi
Subcommittee on Economic and Consumer Policy
“The Urgent Need to Reform the Organ Transplantation System to Secure More Organs for Waiting, Ailing, and Dying Patients”
May 4, 2021

We just heard from Tonya and LaQuiyia how painful it is to wait for an organ transplant, knowing that on the day that organ comes—if it ever comes—their life will be transformed.

Too many Americans, over 107,000, are on an organ waitlist. Too many, 33 every day, pass away before an organ becomes available. The pandemic is putting further pressure on this strained system, as COVID-19 is ravaging organs.

Simply put, we need to get better at recovering every viable organ. Each one saves a life. And there is one group of people that could step up to save the day.

You may have not heard of Organ Procurement Organizations, or “OPOs,” but they play a key role in organ transplants. Today’s hearing will explore the dysfunctional system that has allowed OPOs to fail the communities they serve.

OPOs are responsible for organs obtained from deceased donors, which account for over 80% of transplants. When a hospital has a potential donor, they call the regional OPO, which is then supposed to retrieve any viable organ and deliver it to a transplant surgeon with a patient ready to receive it.

Given their central role in the transplant process, OPOs need to strive for perfection in their public mission. But, they’ve been falling far short.

For years, OPOs have faced no outside incentive to perform. They evaded public scrutiny, refusing to reveal data showing their success and failure, hiding behind a wall of jargon and obfuscation. Each OPO enjoys a regional monopoly, with no competition. No OPO has ever lost its certification, no matter how poorly performing.

They set for themselves disappointingly low expectations, then congratulate each other for lackluster results with high executive salaries and mutual invitations to lavish board retreats.

An effort spanning the Obama, Trump, and Biden Administrations has resulted in a rule that will enforce objective performance metrics and create competitive pressure for OPOs to succeed. The rule will result in 7,300 more transplants per year.

Not only do OPOs fail at their mission to secure organs, they are rife with waste and mismanagement. Unusual among Medicare programs, their costs are 100% reimbursed, even costs unrelated to patient care. So, extravagant executive compensation and luxury perks may be passed off *onto the taxpayer*. Meanwhile, frontline OPO workers are overworked and underpaid, hurting their ability to recover every organ possible.

Some OPO failures have been disastrous. Kaiser Health found evidence of hundreds of organs delayed, damaged, or lost in transit. Last year, an OPO delivered lungs for transplant, but never tested a sample they collected for COVID. The lungs were infected with COVID, which killed the transplant patient. In another case involving two organs, the donor's blood type was incorrectly identified – tragically, one transplant recipient died, and the other was gravely injured.

OPO reform is an urgent health equity issue. Patients of color are more likely to need an organ for transplant, but they are less likely to be referred for consideration, less likely to get on the waitlist, and less likely to receive an organ.

OPOs could better serve these patients by engaging with communities of color for donation. But, OPOs are more likely to approach a potential white donor—and that white organ is more likely to go to a white patient.

OPOs have blamed communities of color for not donating, but they're resting on unfounded stereotypes to justify not trying. The San Francisco OPO is a model of how it's done. Under the leadership of the first Black female CEO of an OPO, diversity became a priority, and patients benefited. Total donations went up 29%, including 70% among Black donors.

OPOs have resisted oversight, and some OPOs have brazenly tried to thwart our investigation here. For the patients that are ailing, I will not let OPOs keep failing them.

Saving lives is above politics, and OPO reform is a bipartisan issue. Ranking Member Cloud and I are in this together. We joined a bipartisan, bicameral letter in support of the final OPO performance rule. The Biden-Harris Administration heeded our call and began to implement it. I look forward to working with my friends across the aisle on continued oversight and reform that will secure more organs and save more lives.

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