



Legislation Details (With Text)

**File #:** 22-1041      **Version:** 1      **Name:** Resolution: Urging the U.S. Congress to act re: Urging the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services (CMS) to reconsider the implementation of new rules by the p

**Type:** Resolution      **Status:** Adopted

**File created:** 7/21/2022      **In control:** Municipal Council

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**Title:** Dept/ Agency: Offices of Municipal Council/City Clerk  
 Action: ( ) Ratifying (X) Authorizing ( ) Amending  
 Type of Service: Resolution Urging the United States Congress to act  
 Purpose: Urging the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services (CMS) to reconsider the implementation of new rules by the previous Trump Administration, revising the requirement and procedures of the Organ Procurement Organizations, the new rules will make it difficult to facilitate organ transplants that will adversely affect the minority population.  
 Sponsor(s): Council Member, C. Lawrence Crump  
 Additional Information:

**Sponsors:** C. Lawrence Crump, Council of the Whole

**Indexes:**

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Date	Ver.	Action By	Action	Result
7/26/2022	1	Municipal Council	Adopted	Pass

**Dept/ Agency:** Offices of Municipal Council/City Clerk  
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**Sponsor(s):** Council Member, C. Lawrence Crump  
**Additional Information:**

**WHEREAS,** Organ donation and transplantation are an important component of the U. S. healthcare system, providing the opportunity for patients experiencing potentially fatal organ disease to continue to live full, satisfying, high-quality lives; and

**WHEREAS,** in 2020, the Trump Administration revised previous rules and policies established by Congress IN 1984, with the creation of Organ Procurement Organizations (OPO), under the National Organ Transplant Act, to facilitate the national organ procurement and transplantation process; and

**WHEREAS**, the Trump Administration’s “the Further Consolidated Appropriations Act, 2020”, was to ostensibly establish new rules for the distribution of organ transplants by increasing competition amongst OPO’s ‘to increase donation rates and organ transplantation rates by replacing the current outcome measures with new transparent, reliable and objective outcome measures and increasing competition for open donation services areas (DSAs); and

**WHEREAS**, the National Academies of Sciences, Engineering and Medicine (NASEM), was requested by Congress to conduct a study to review the fairness, equity, transparency, and cost effectiveness in the system of procuring, allocating, and distributing deceased donor organs; and

**WHEREAS**, rather than waiting for the study to be concluded, Trump Administration Officials hastily adopted the seemingly politically motivated rule disregarding the will of the U.S. Congress and setting the implementation date of the new rules as August 1, 2022; and

**WHEREAS**, the new CMS Rule purports to create “transparent, reliable and objective outcomes”, will upend the nation’s existing organ procurement network, considered the world’s gold standard, by requiring the majority of OPO’s to compete against each to service their current DSAs; and

**WHEREAS**, disruptions in the national organ procurement and transplant system will result in fewer organs being procured and transplanted, and will disproportionately affect patients from racial and ethnic minorities, who already experience a significant lower transplantation rate than white patients, although of greater need; and

**WHEREAS**, although steps have been taken to resolve racial and ethnic inequities in the health care system, it remains incumbent on policy makers to continue to work to eliminate racial disparities in access to health care, while taking care to not establish new barriers to access or exacerbate existing barriers; and

**WHEREAS**, at least one dozen members of the U.S. Congress have been persuaded there is a need to expedite the implementation of the OPO competition and decertification process under the new CMS Rule, making the need for reconsideration of the new rule that more urgent, in order to avoid the disruptions to the organ procurement, and transplantation systems, likely to occur under the new rule.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Newark Municipal Council of the State of New Jersey respectfully urges the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services (CMS) to reconsider implementation of new rules revising the outcome measure requirements for, and establishing procedures to decertify and create competitive bidding requirements for organ procurement organizations.
2. Copies of this Resolution, as filed with the Office of the City Clerk, shall be provided to the Clerk of The General Assembly, to the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services (CMS).

## **STATEMENT**

This Resolution respectfully urges the U.S. Secretary of the Department of Health and Human Services and the Administrator for the Centers for Medicare and Medicaid Services (CMS) to reconsider implementation of new rules revising the outcome measure requirements, and establishing procedures to decertify and create competitive bidding requirements, for organ procurement organizations (OPOs).