



Nonprofit Kidney Care Alliance

March 4, 2021

The Honorable Norris Cochran
Acting Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Re: Organ Procurement Organizations Conditions for Coverage: Revisions to the Outcome Measure Requirements for Organ Procurement Organizations; Public Comment Period; Delay of Effective Date (CMS-3380-F2)

Dear Acting Administrator Cochran,

On behalf of the Nonprofit Kidney Care Alliance (NKCA), I write to offer our comments on the reopening of public comments on the Revisions to the Outcome Measure Requirements for Organ Procurement Organizations (OPOs) final rule, which will assist in efforts of the Administration, kidney-care stakeholders, including NKCA, and the patients we serve to ensure processes associated with transplantation are functioning efficiently and in an appropriate and transparent way.

NKCA represents eight nonprofit dialysis providers: Centers for Dialysis Care; Central Florida Kidney Centers; Dialysis Center of Lincoln; Dialysis Clinic, Inc.; Independent Dialysis Foundation, Inc.; Northwest Kidney Centers; Puget Sound Kidney Centers; and The Rogosin Institute. Collectively, we serve more than 22,500 patients at 326 facilities in 32 states. In an effort to keep patients off dialysis, we also serve more than 10,000 patients with chronic kidney disease (CKD), with the goal of avoiding, or at least delaying, the onset of end-stage renal (ESRD) and maximizing the quality of life for our patients. We are committed to promoting kidney transplantation, eliminating barriers to access, and reducing organ discards.

Any increase in transplantation, as we are expecting from various changes from recent new models of care including the ESRD Treatment Choices (ETC) model and the Kidney Care Choices (KCC) models, will require an efficient collection of OPOs that can be monitored on their outcomes and held to the same high standards that others in the kidney industry will be held to through these new models. We agree that it is necessary given this current push for transplant for changes to be made to the OPO Conditions for Coverage (CfCs) in order to ensure donors and recipients have optimal opportunities available to them.

As we noted in our original comments on the proposed rule, NKCA is supportive of CMS' proposal updating and requiring two measures including a donation rate measure and organ transplantation rate measure. We believe these are an appropriate change to ensure OPOs are meeting set standards using objective and transparent criteria. We appreciate and support the review and updating of OPO requirements as part of ongoing efforts on kidney care and, as such, support this rule being

implemented as soon as is practicable. Further delay in the implementation of this rule could also stall related action to promote and increase access to transplant. Any increase in transplantation through these changes is life-saving and we believe that all of the new policies related to kidney care in recent years need to work in tandem to make certain that the needed changes are achieved.

As we noted in our previous comments, while we hope this final rule will be implemented as soon as possible, we do believe that these changes should be treated as an evolving process and that **CMS should continue to accept broad stakeholder feedback on the CfCs for OPOs, as well as transplant centers, through the annual rulemaking process.** We believe this would ensure that the metrics continue to be appropriate and that other changes can be made including updates to risk adjustment as alternative payment models and other policies become more established, bringing focus on and encouraging transplant.

Thank you for your careful review of this regulation impacting transplant. We would be pleased to discuss any of these comments in greater detail at any time. If you have any questions, please feel free to contact Martin Corry at 202-580-7707 or info@nonprofitkidneycare.org.

Sincerely,

A handwritten signature in blue ink that reads "Martin Corry". The signature is written in a cursive style.

Martin Corry
Executive Director