



**NATCO, THE ORGANIZATION FOR TRANSPLANT PROFESSIONALS
POSITION STATEMENT**

HOSPITAL COMPLIANCE WITH FEDERAL & STATE REQUIRED REQUEST LEGISLATION

Statement of the Problem:

Section 9318 of OBRA '86 amended the Social Security Act to include several provisions relating to organ transplantation. Section 1138(a) of the Social Security Act requires hospital protocols for organ procurement. Specifically, as a Condition of Participation in Medicaid and Medicare, a hospital must establish written protocols for the identification and referral of potential organ donors to a certified OPO. Thus hospitals are required by law to contact the designated Organ Procurement Organization on all appropriate organ donors. Despite the federal laws and the passage of required request laws in 48 states and the District of Columbia, donation has not increased.

Policy:

The North American Transplant Coordinators Organization supports activities and programs that would improve hospital compliance with federal and state required request regulations. Specifically, the North American Transplant Coordinators Organization supports enforcement by the Center for Medicare/Medicaid Services (CMS) of the Medicare/Medicaid participation requirement that: all hospitals participating in the Medicare/Medicaid program must develop policies to ensure that families of potential organ donors are appropriately offered the donation option and that the certified Organ Procurement Organization is notified of the potential for donation. The North American Transplant Coordinators Organization endorses JCAHO as an organization to assist CMS in ensuring hospital compliance with federal and state required request regulations.

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