

Congress of the United States
Washington, DC 20515

July 27, 2026

The Honorable Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Mehmet Oz, M.D., M.B.A.
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Kennedy and Administrator Oz:

We write in support of New England Donor Services (NEDS) to retain its Designated Service Area (DSA) as the Organ Procurement Organization (OPO) serving New England. As a national leader in the field of organ donation and transplantation since its founding as the first independent OPO in 1968,¹ NEDS plays a unique and vital role in increasing the number of life-saving transplants in our communities each year. We believe a continuation of NEDS' work will best serve the transplant patients, donor families, and transplant centers of our respective states.

The Centers for Medicare and Medicaid Services (CMS) ranks OPOs into three tiers based on their performance in two key metrics: donation rate and transplant rate, with Tier 1 being the top 25 percent and Tier 3 being below median rates. CMS ranks NEDS as Tier 1 in the Donation Rate and Tier 2 in the Transplant Rate. An OPO's Tier ranking is based on its *lowest* score, which means NEDS is considered Tier 2 overall.² However, NEDS' Tier 1 designation for its Donation Rate is notable. According to the Association of Organ Procurement Organizations, OPOs have significantly less control over Transplant Rate, which is instead driven by Transplant Center behavior and is not a true measure of an OPO's performance.³ Regardless, in January 2026, CMS

¹ New England Donor Services (NEDS). "Mission and Vision." *NEDS*, 2026, <https://neds.org/mission-and-vision/>. Accessed 28 July 2026.

² U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS). "Medicare and Medicaid Programs; Organ Procurement Organizations Conditions for Coverage: Revisions to the Outcome Measure Requirements for Organ Procurement Organization." *GovInfo*, 23 December 2019, <https://www.govinfo.gov/content/pkg/FR-2019-12-23/pdf/2019-27418.pdf>. Accessed 28 July 2026.

³ Daigle, Jenny. "U.S. Organ Procurement Organizations are Strong, CMS Rule Threatens Future Success of Donation System." *Association of Organ Procurement Organizations*, 8 February 2024, <https://aopo.org/us-opos-are-strong-cms-rule-threatens-future-success-of-donation-system/>. Accessed 28 July 2026.

issued a proposed rule that would clarify that any Tier 2 OPO, again based on the lowest score, must compete to retain its DSA.⁴

We are concerned that the statistical bias against large OPOs in CMS's tiering method uncovered in peer-reviewed research⁵ is particularly injurious to NEDS, the third largest OPO by donation volume in the nation.^{6 7} The disruption to donation and transplant that would result from CMS's potential decertification of NEDS as an OPO may be extensive both regionally and nationally.

According to NEDS, it coordinated organ donations from 641 deceased donors in its DSA, resulting in 1,692 life-saving transplants in 2025 alone. This record number of organ transplants represents the *fifth year of consecutive growth in transplants*.⁸ NEDS also shared that it has increased organ donation by 127 percent over the past 10 years, resulting in a 135 percent increase in organs transplanted. The OPO acknowledges that this growth is a testament to the families of generous donors and to the dedicated staff of over 400 employees who make lifesaving transplants a reality for recipients. We believe that NEDS has shown exceptional leadership in advancing donation, donor management, and ethical stewardship of the process.

Over many decades, NEDS has built relationships within New England communities as they educate residents about the importance of donation and transplantation and promote donor registration. NEDS shared that the organization has also developed deep ties to the fourteen transplant institutions that serve our region.⁹ We understand that it is these relationships that have made New England a pioneer across all types of donation and transplants, including innovations that are made possible by these close collaborations and cannot be simply or easily transferred to a new organization from outside the region. In fact, the Chief of every transplant center in New England has signed on to a letter recommending that NEDS continue as the OPO serving our region and raising concern that the assignment of another OPO would negatively impact their

⁴ Centers for Medicare and Medicaid Services (CMS). "Organ Procurement Organizations (OPOs) Conditions for Coverage Revisions CMS-3409-P Proposed Rule." *CMS*, 28 January 2026, <https://www.cms.gov/newsroom/fact-sheets/organ-procurement-organizations-opos-conditions-coverage-revisions-cms-3409-p-proposed-rule>. Accessed 28 July 2026.

⁵ Rodrigue, James R et al. "Centers for Medicare and Medicaid Services Performance Metrics and the Disproportionate Impact of Decertifying Organ Procurement Organizations on Minority Populations." *Transplantation* vol. 110,7 (2026): e1358-e1360. doi:10.1097/TP.0000000000005646

⁶ Snyder JJ, Musgrove D, Zaun D, Wey A, Salkowski N, Rosendale J, Israni AK, Hirose R, Kasiske BL. The Centers for Medicare and Medicaid Services' proposed metrics for recertification of organ procurement organizations: Evaluation by the Scientific Registry of Transplant Recipients. *Am J Transplant*. 2020 Sep;20(9):2466-2480. doi: 10.1111/ajt.15842. Epub 2020 Apr 19. PMID: 32157810.

⁷ Lopez R, Mohan S, Rodrigue JR, Arrigain S, Brosi D, Lavanchy R, Kaplan B, Pomfret EA, Schold JD. Association of organ procurement organization volume with Centers for Medicare and Medicaid Services performance evaluations. *Am J Transplant*. 2025 May;25(5):1013-1020. doi: 10.1016/j.ajt.2024.11.024. Epub 2024 Nov 27. PMID: 39608573.

⁸ Business Wire. "New England Donor Services Announces Record Number of Life-Saving Organ Transplants in 2025." *Financial Content*, 15 January 2026, <https://www.financialcontent.com/article/bizwire-2026-1-15-new-england-donor-services-announces-record-number-of-life-saving-organ-transplants-in-2025>. Accessed 28 July 2026.

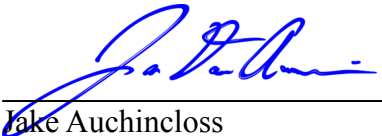
⁹ New England Donor Services (NEDS). "New England Donor Services Transplant Center Partners." *NEDS*, 2026, <https://neds.org/our-partners/>. Accessed 28 July 2026.

patients.¹⁰ We believe that ensuring NEDS remains the OPO for this DSA will support community engagement, maintain established clinical relationships, avoid severe disruption to patients awaiting transplant, and support the growth of donation and transplantation.

We strongly support NEDS's retention of its current DSA and request that CMS weigh the organization's high performance, clinical expertise, and connection to the community as the agency makes its certification decisions. This will avoid the serious disruption that a change in OPO assignment to this large and complex DSA would entail while providing no benefit to the public or patients.

Thank you for your consideration.

Sincerely,



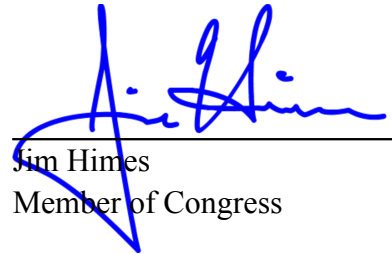
Jake Auchincloss
Member of Congress



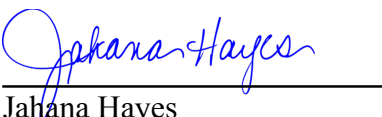
Chris Pappas
Member of Congress



Joe Courtney
Member of Congress



Jim Himes
Member of Congress



Jahana Hayes
Member of Congress



Lori Trahan
Member of Congress



Katherine M. Clark
Member of Congress

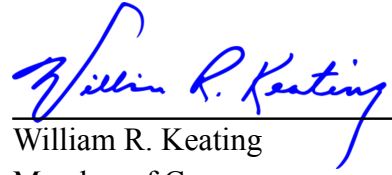


Seth Moulton
Member of Congress

¹⁰ Letter can be found here: <https://drive.google.com/file/d/1gnurtjVGhIUA7ROcjVenuzXxGxs3QMOR/view?usp=sharing>



Stephen F. Lynch
Member of Congress



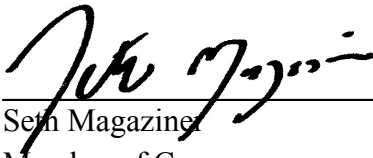
William R. Keating
Member of Congress



Maggie Goodlander
Member of Congress



Gabe Amo
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Seth Magaziner
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