

May 7, 2021

Denis Richard McDonough
Secretary
Department of Veterans Affairs
1722 I Street, N.W.
Washington, D.C. 20421

Re: [Department of Veterans Affairs \(RIN 2900–AQ65\): Transplant Procedures with Live Donors and Related Care and Services \(Proposed Rule\)](#)

Dear Secretary McDonough:

The American Society of Transplant Surgeons (ASTS) is pleased to have the opportunity to comment on the Proposed Rule referenced above. This Proposed Rule implements the provisions of the VA MISSION Act of 2018 and clarifies Veterans Affairs' (VA) coverage of the medical and non-medical expenses of living donors who give the gift of life to veteran-recipients. ASTS is a medical specialty society representing approximately 1,900 professionals dedicated to excellence in transplantation surgery. Our mission is to advance the art and science of transplant surgery through patient care, research, education, and advocacy.

ASTS applauds the Department of Veterans Affairs (VA) for its efforts to make living donor transplantation more accessible to our Nation's veterans. By clarifying the VA's policy on payment for living donor medical and non-medical expenses, the Proposed Rule is a major step forward in addressing real and perceived obstacles to living donation for veteran-recipients. We believe that the provisions of the Proposed Rule fully implement the intent of the VA MISSION Act and urge the VA to enter into a sufficient number of agreements with non-VA transplant centers to ensure that access to living donor transplantation becomes more accessible to veterans throughout the United States.

We do have one suggestion for further clarifying the Proposed Rule. The definition of kidney paired donation provided in 38 CFR § 17.395(b) provides:

Kidney paired donation means one prospective live donor's voluntary donation of a kidney for transplantation into a recipient other than an intended recipient, paired with the transplantation into the intended recipient of a compatible kidney from a different live donor.

It is not clear to us that this would allow living donor chains. Living donor chains have much more potential to increase access of living donor kidneys for potential recipients and to maximize the amazing gift of life afforded by the act of living donation. However, the language set forth in the Proposed Rule could be construed

President

Marwan S. Abouljoud, MD, CPE, MMM
Henry Ford Transplant Institute

President-Elect

A. Osama Gaber, MD
Houston Methodist Hospital

Secretary

GINNY L. BUMGARDNER, MD, PhD
The Ohio State University

Treasurer

William C. Chapman, MD
Washington University

Immediate Past President

Lloyd E. Ratner, MD, MPH
Columbia University

Past President

Dixon B. Kaufman, MD, PhD
University of Wisconsin

Councilors-at-Large

Michael J. Englesbe, MD
Julie K. Heimbach, MD
Debra L. Sudan, MD
Matthew Cooper, MD
Ryutaro Hirose, MD
Kenneth Washburn, MD
Kenneth A. Andreoni, MD
Devin E. Eckhoff, MD
Irene K. Kim, MD
Ashley H. Seawright, DNP, ACNP-BC

Executive Director

Maggie Kebler-Bullock, CFRE

National Office

1401 S. Clark St.
Suite 1120
Arlington, VA 22202
703-414-7870
asts@asts.org
ASTS.org

American Transplant Congress

June 5-9, 2021
Seattle, Washington

as excluding donor chains since the donation by a particular donor may not be directly paired with the transplantation into the intended recipient. We urge the VA to modify the definition of “kidney paired donation” to make it clear that coverage will be afforded for living donors participating in such chains to the same extent as coverage is afforded in paired kidney donation involving a single pair.

We would welcome the opportunity to work with the VA to fulfill the promise of the MISSION ACT of 2018, and hope that you will not hesitate to call upon us if we can provide any assistance in increasing access to living donor transplantation for veterans throughout the country. Please contact ASTS Executive Director Maggie Kebler-Bullock at Maggie.Kebler@asts.org or on (703) 414-7870 if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Marwan S. Abouljoud". The signature is fluid and cursive, with the first name being the most prominent.

Marwan S. Abouljoud, MD, FACS, CPE, MMM
President
American Society of Transplant Surgeons