

United States Senate
WASHINGTON, DC 20510

January 21, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable Alex Azar
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

As the Secretary of the Department for Health and Human Services (HHS), you have a duty to uphold the mission of the Department to “enhance and protect the health and well-being of all Americans by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.” With this mission in mind, we call on you to intervene in the application of the flawed and questionable liver allocation policy and stop its implementation while litigation is ongoing.

It is well-documented that the new policy will not benefit all Americans, contrary to the principles of the HHS mission. Rather, this allocation policy blatantly pits regions of the country against each other by redistributing organs for transplant from midwestern, southern, and rural communities to urban areas on the coasts. As much as 40 percent of the country, perhaps more, will be harmed by this policy that will result in prolonged waitlist periods, increased costs, and system inefficiencies.

It is with a sense of urgency that we call on you to continue delaying implementation of this flawed liver allocation policy until the conclusion of ongoing litigation. The liver redistribution policy remains in litigation due to court challenges brought by some of the nation’s most reputable transplant centers. Given the certainty that this policy is going to trial in the near future, we believe it is in the best interest of patients and the transplant system as a whole to avoid the stop-and-start of the questionable liver redistribution policy until the matter is resolved before the courts.

The Department took exceptional steps last month to improve the transplant process and increase accountability in the system for the benefit of the tens of thousands of individuals waiting for a precious organ transplant. While we are supportive of these regulatory steps, the organ redistribution policy that benefits only urban, coastal areas is a major setback.

Thank you for your recent work to improve the organ donation and transplant system for all Americans. We trust you will use your authority to continue to make the necessary decisions to protect patients who are in need of life-saving liver transplants, regardless of where they live.



Roy Blunt

Sincerely,



Jerry Moran