Approved 10/21/2026

New York State Transplant Council
Minutes of the December 11, 2025 Meeting

Transplant Council Members in Attendance in Person: Lewis Teperman, MD - Chair; Nancy Metzler; Patricia Dahl; Jean Emond, MD; Andrew Flescher, PhD; Liise Kayler, MD; Michael Sosna; Milan Kinkhabwala, MD;

Transplant Council Members in Attendance by Video Conference: Kevin Gramlich; Nancy Gallo; Chris Kjolhede, MD; Barbara Breckenridge

Council Members not in Attendance: Aaron Glatt, MD; Leonard Achan; Naveed Masani, MD; Vincent Tilson; Ernesto Molmenti, MD

Other Meeting Attendees in Attendance in Person: Samantha DeLair; Katie Dokus; Colleen Flores; Lily Lam; Carrie Lindower; Jennifer McBride; Oscar Corzo, MD; Samantha Taylor; Bruce Gelb

Other Meeting Attendees in Attendance by Video Conference: Adam Kressel; Karen Berger; Dawn Francisquini; Brett Greenfield; Joy G; Kelsey Denette; Melanie Evans; Mike Thibault; Rob Gruenenfelder

Invited Speakers: Larissa Wilberschied, Program Manager, Hepatitis B&C Surveillance Unit, New York State Department of Health; Dr. John Magee, Organ Procurement and Transplantation Network

Department Staff: N. Agard; S. Cassidy; M. Glannon; D. Dougherty; M. Hennessey; Dr. Fish; S. Shulman; Dr. Heslin; J. Riegert; A. Nagy

Meeting Summary

1. **Call to Order and Introductions**
   Dr. Teperman, Chair of the Transplant Council, called the meeting to order at 1pm and reviewed the meeting agenda. Meeting attendees in-person introduced themselves and meeting attendees joining virtually were introduced. And quorum was noted.

   Dr. Teperman informs the group that this is Nancey Agard's last meeting and before retirement recognizing her dedicated support of the Council for many years.

2. **Welcome and Remarks**
   Dr. Douglas Fish Deputy Commissioner, Office of Health Care Delivery, and Dr. Eugene Heslin First, Deputy Commissioner Chief Medical Officer welcomed members and attendees to the Transplant Council meeting. Dr. Fish and Dr. Heslin thanked Nancey Agard for her many years of support for the Transplant Council and all the work she has done for the Department.

3. Report of Chairperson

Dr. Teperman reported that there are no new appointments to the Transplant Council. However, Nancy Metzler, Jean Emond, Andrew Flescher all have renewed appointments. There are several governor appointments pending reappointment. He reminded members that if they are a legislative appointment, they'll have to tell their legislator to reappoint them.

4. Approval of 04/09/2025 Minutes

Dr. Teperman asked for a motion for two sets of minutes. First was the Special Committee Meeting conducted at the April 2025 meeting. First motion was given by council member Patricia Dahl. Second motion was given by council member Michael Sosna. All stated they were in favor.

The second set of minutes are the April 2025 Transplant Council meeting. First motion was given by council member Patricia Dahl. Second motion was given by council member Michael Sosna. All stated they were in favor.

5. Federal Update

Dr. Andrew Flescher, PhD, Chair of both the Transplant Council Ethics Committee and Organ Procurement and Transplantation Network Ethics Committee discussed Allocation Out of Sequence. He explained that HRSA asked the Organ Procurement and Transplantation Network Ethics committee to look at Allocation Out of Sequence because of a utility concern and discussed the findings of utility of Allocation Out of Sequence including but not limited to efficiency, transparency, and equity. Dr. Flescher discussed monitoring and enforcement and reported that HRSA came out with the same view that the Organ Procurement and Transplantation Network Ethics Committee did in their Ethics paper but much stronger - HRSA took the view that out of sequence allocation was strictly a last resort.

Group discussion suggested looking at the data and seeing what the Transplant Center level data to compare them. The group noted that getting Center level data from the Organ Procurement and Transplantation Network is an elaborate, secure process but papers looking at all the data can muffle what is really happening. The group noted that coding is important to review; if an Organ Procurement Organization is always coding Allocation Out of Sequence as a "family issue", that could be something to look into. There was agreement that there's a good stewardship trying to place these organs, but it needs to be more standardized, consistently.

Group discussion regarding the use of AI to tell which candidates on the list are not going to be good for a certain organ that's being allocated, including which center is

not going to transplant an organ like this. Figuring out how to decline these in a permanent order essentially gets it allocated in sequence but takes out the inefficiencies.

Several Organ Procurement Organizations spoke up highlighting the desperation factor, especially in deceased donor kidneys that are accumulating cold time. And stated that Allocation Out of Sequence is a very complex issue.

Dr. John Magee, MD, Organ Procurement and Transplantation Network discussed Federal changes. He stated that the Organ Procurement and Transplantation Network board was dissolved, and new board seated. UNOS still remains the Organ Procurement and Transplantation Network operations contractor. Dr. Magee highlighted the other four officers and shared that they make a good team and reviewed the goals and plans of modernization of Organ Procurement and Transplantation Network.

Group discussion about a previous motion to ask the Commissioner to request data from the Organ Procurement Organizations. Discussed that the Transplant Council needs to be specific about what data should be requested. Discussed the importance of the Transplant Council continuing to request the data. Dr. Teperman stated that the Transplant Council passed the motion in April 2025 to request detailed data from the Organ Procurement Organizations regarding Allocation Out of Sequence. It has the potential to improve the efficiency of the transplant system. However, there is evidence that this approach is variably applied and may result in disparities. The New York State transplant council is seeking data to clarify the effects of Allocation Out of Sequence in our community. The data would help shine light on the issue at a state level, allow for variability of use, review of health disparities, and could help change behavior.

The Transplant Council made a second motion of the previous motion requesting data from the Organ Procurement Organizations on Allocation Out of Sequence by Dr. Jean Emond. The motion was seconded by Dr. Lewis Teperman and was approved unanimously. The Department will determine how to best request and potentially enforce data collection from the Organ Procurement Organizations.

The Transplant Council made a preamble to the previous motion, stating Allocation Out of Sequence is a critical concern. Allocation Out of Sequence has the potential to improve efficiency of transplant system. There is evidence that this approach is variably applied and may result in disparities in patient access. The New York State transplant council is seeking data to clarify the effects of Allocation Out of Sequence in our community.

Dr. Teperman shared with the Transplant Council that the Organ Recovery Taskforce has been nationalized and will have a certificate program. This will be presented to the American Society of Transplant Surgeons (ASTS).

6. **State and Department Update:**

Nancey Agard MS, RN, Director, New York State Department of Health, Bureau of Organ Donation and Transplantation provided an update on Department and Program matters.

Staffing changes
New Appointment of Mark Hennessy to Deputy Director of the Office Primary Care and Health Systems Management (OPCHSM).

New staff were introduced to the Council, including Samantha Cassidy who started in September 2025 as a Project Coordinator and Deb Dougherty who started in October 2025 as a Health Program Administrator. And Nancey Agard's upcoming retirement.

Regulatory updates

Ms. Agard stated that the New York State Transplant Council recommended that all patients in New York State should be allowed to list at multiple New York State facilities and this bill has passed. She also shared an update that establishing a new lung program now requires a full Certificate of Need.

Licensure, Survey, and Surveillance

Ms. Agard stated that the Federal shutdown affected the Department's ability to carry out surveys for CMS. Since the Federal shutdown was resolved, the Department has carried out three recertification surveys. There are no Certificate of Needs in process for new transplant programs. The Department is conducting pre-opening survey for North Shore now. They will be opening their pancreas program relatively soon. NYU Brooklyn is pending their pre-opening survey with the Certificate of Need application contingent on Organ Procurement and Transplantation Network approval.

Implementation of New Registry Enrollment Sources

The Department is working with a contractor on implementing new registration sources. Comprehensive health insurance plans have been required to add the Lauren's Law question to their enrollment applications, renewal applications, and paperwork associated with getting portal access for the insurance plan.

The Department has almost all the Data Use Agreements (DUAs) from all comprehensive health insurance plans. The deadline for implementation of this law is January 1, 2026, and will meet that date.

Next year's project requires all Electronic Medical Record (EMR) systems that are utilized by New York State hospitals to include the ability to enroll directly in the registry from their Electronic Medical Record (EMR) portals. The Department will be working collaboratively with the hospital associations to help with this project.

New York State Living Donor Support Program

Samantha Cassidy presented updates on the New York State Living Donor Support Program that launched on October 22, 2025. She shared the Program's webpage health.ny.gov/livingdonor and reviewed what is included on the website (all program materials including the law, regulations, guidance, information about the program, education materials, application documents, Frequently Asked Questions, etc.). Dedicated program contacted information was shared; 518-408-3431 and livingdonor@health.ny.gov. Legacy donor definition (New York State resident who was evaluated for or made a living organ donation to another New York State resident between April 1, 2023 and October 22, 2025) and application period was stated (90 days from program launch).

Samantha provided an update on number of applications received to date: 27 approved applications, including ten legacy donors. Six additional applications are pending. Received four claims, with one approved and paid.

The Transplant Council commented that the reimbursement style of the program is hard for donors who may not have funds to pay up front and wait for reimbursement and asked if this is something that could be improved about the program. All questions and suggestions were encouraged to be emailed to the livingdonor@health.ny.gov.

New York State Hepatitis C Organ Transplant Surveillance

Larissa Wilberschied, MS, Program Manager, Hepatitis B & C Surveillance Unit gave a presentation of the Hepatitis C Organ Transplant Surveillance Evaluation Project Update. This project is a collaborative effort between the Centers for Disease Control and Prevention, the Department, and New York City Department of Health and Mental Hygiene and all transplant centers across New York State.

Ms. Wilberschied reports that there has been an increased availability of organs from people who may have Hepatitis C and there has been an increase in transplants of Hepatitis C positive organs to people who didn't have Hepatitis C prior to that transplantation. The project focused on results across New York State,

excluding New York City. She shared preliminary results and stated that participating jurisdictions are collaborating with Centers for Disease Control and Prevention to publish the results of the project.

7. Standing and Special Committees

Ethics Committee Update

Dr. Andrew Flescher, Chair of the Ethics Committee, reported that the Organ Procurement and Transplantation Network's Ethics Committee is writing a paper on Xenotransplantation. A draft of the paper is done and pending posting on Health Resources and Services Administration (HRSA) website.

NASEM Committee Update

Nancy Metzler reported that the subcommittee will look at its current charges. She reported that there is great interest in providing a forum for donor hospitals to connect and share information with each other. She also reported that a lot of progress has been made with the Increasing Organ Transplant Access (IOTA) model project that New York State is participating in.

8. New and other business

Nancy Metzler reported that there is a need to elect a vice chairperson at the next meeting.

The Council members thanked Nancey Agard for her time and commitment to the Department's work on Organ Donation and Transplantation and wished her well on her well-deserved retirement.

9. Adjourned

A motion to Adjourn the meeting was made and seconded. The meeting adjourned at 4PM.