

Date: Thursday, March 1 2018 02:59 PM

Subject: Re: directed donation

From: Alexandra Glazier [REDACTED]

To: Brian M. Shepard [REDACTED]

Right.

But that said, if you needed surgery, I would not suggest you go under the knife with Alex Glazier, MD.

Alexandra K. Glazier, Esq.
President & CEO
New England Donor Services
[REDACTED]
[REDACTED]
[REDACTED]

On Mar 1, 2018, at 1:42 PM, Brian M. Shepard <[REDACTED]> wrote:

[REDACTED] was on the phone.

She said, "[REDACTED] tried to debate ALEX!"

Her impression was that it did not go well for [REDACTED]

From: Alexandra Glazier [REDACTED]
Sent: Thursday, March 1, 2018 2:14 PM
To: Brian M. Shepard [REDACTED] >
Subject: Re: directed donation

Really? I didn't copy [REDACTED] on my email. Did she say [REDACTED] was being a pest? Or that the mpse was sideways?

Alexandra K. Glazier, Esq.
President & CEO
New England Donor Services
[REDACTED]
[REDACTED]

On Mar 1, 2018, at 12:58 PM, Brian M. Shepard [REDACTED] > wrote:

[REDACTED] brought it up to me already, so I heard it from her.

From: Alexandra Glazier [REDACTED]
Sent: Thursday, March 1, 2018 1:04 PM
To: Brian M. Shepard <[REDACTED]>
Subject: Re: directed donation

Keep in mind law is like sausage- it tastes great but you don't want to know how it's made.

I think in the end the MPSC does a good job coming to a reasoned and appropriate result. Trust that there are enough experts from different backgrounds that will and do speak up that even if the path isn't linear ultimately we get there.

So I guess my message is: Be patient grasshopper.

And if you bring up this example (unless your staff tell you about it) it will seem like I'm complaining to you. Which I am. But my complaint is about [REDACTED] not the MPSC.

Alexandra K. Glazier, Esq.
President & CEO
New England Donor Services
[REDACTED]
[REDACTED]
[REDACTED]

On Mar 1, 2018, at 11:57 AM, Brian M. Shepard <[REDACTED]> wrote:

I know you agree, but this whole thing drives me nuts. I don't know how to fill important positions with people who know what they're doing.

Allowing the community to fill these jobs increases the community's belief in the validity of the outcomes. Even while it make MPSC more variable, or allocation policy less coherent. It's like putting your kids' artwork up at home. You value it because of how it was created rather than whether it's well done. Only in this case, we persuade ourselves that it's well done anyway.

We've started to make some improvements in the process, and I know the goal can't be 500 of you, but I'm really struggling with how to do this better than we do now.

From: Alexandra Glazier [REDACTED]
Sent: Thursday, March 1, 2018 10:06 AM
To: Brian M. Shepard <[REDACTED]>
Subject: Re: directed donation

I did. And I was a bit sharp about it bc he started arguing with me. I shut it down.
But he created enough confusion that other members asked for a summary of the law to understand if maybe the opo was legitimately confused bc its unsettled/unclear law.
I offered to do that next mtg.

From: Brian Shepard [REDACTED]
Date: Thursday, March 1, 2018 at 9:57 AM
To: Alexandra Glazier <[REDACTED]>
Subject: RE: directed donation

Often wrong, never in doubt.

What was the outcome? Did you straighten him out in public? Did [REDACTED]?

From: Alexandra Glazier [REDACTED]
Sent: Thursday, March 1, 2018 9:56 AM

To: Brian M. Shepard <[REDACTED]>
Subject: FW: directed donation

FYI—[REDACTED] told the MPSC this was unsettled law and maybe ok that the OPO skipped a whole bunch of people for 3 different organ allocations to comply with a donor family's request that all of their daughter's donated organs only go to the state the parent's live in (which wasn't even the state the donor lived in or where the donation occurred—not that is matters – but how crazy is that?)

From: Alexandra Glazier [REDACTED]
Date: Thursday, March 1, 2018 at 8:35 AM

To: [REDACTED]
Cc: [REDACTED] <[REDACTED]>

Subject: directed donation

[REDACTED]: This is settled under both federal law (Final Rule) and state law (the UAGA). The conclusion that federal law pre-empts state law is not necessary on this issue although there has never been a successful legal challenge to NOTA's pre-emption over organ allocation and while pre-emption analysis is always complex I believe its fairly clear.

Here is the UAGA provision (highlighted relevant language):

SECTION 11. PERSONS THAT MAY RECEIVE ANATOMICAL GIFT; PURPOSE OF ANATOMICAL GIFT.

(a) An anatomical gift may be made to the following persons named in the document of gift:

(1) a hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person, for research or education;

(2) subject to subsection (b), an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(3) an eye bank or tissue bank.

(b) If an anatomical gift to an individual under subsection (a)(2) cannot be transplanted into the individual, the part passes in accordance with subsection (g) in the absence of an express, contrary indication by the person making the anatomical gift.

(g) For purposes of subsections (b), (e), and (f) the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization

as custodian of the organ.

Here is the Federal Law which requires all organs to be allocated under the OPTN policies with an exception for directed donation if a recipient is named (consistent with UAGA):

§121.8 Allocation of organs.

(h) *Directed donation.* Nothing in this section shall prohibit the allocation of an organ to a recipient named by those authorized to make the donation.

Alexandra K. Glazier, Esq.

President & CEO

New England Donor Services – an affiliation of LifeChoice and New England Organ Bank



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