

APPENDIX A TO BY-LAWS
UNITED NETWORK FOR ORGAN SHARING
EFFECT OF BOARD ACTIONS

5.01A Terms Of Probation

A Board action placing a Member on probation shall be effective when taken or at such other time as the Board may direct, and may remain in effect during the period in which hearing and appellate review proceedings are pending. Notice of a Board action placing a member on probation will not be circulated to all members until such time as the hearing and appellate review proceedings are waived or concluded.

5.02A Terms Of Member “Not In Good Standing”

A Board action declaring a Member a Member Not in Good Standing, except as provided in the next sentence, shall be effective when final Board action is taken pursuant to Section 4.01A above after the Member has waived its right to a hearing and appellate review with respect to such Board action or such hearing and appellate review proceedings have been concluded. Notwithstanding the foregoing, a Board action declaring a member “Not in Good Standing” may be made effective at any time if the Board shall find based on available evidence that the alleged violation of membership requirements poses a substantial and imminent threat to the quality of patient care.

- (a) Effect on UNOS Membership Privileges. This Board action will also result in suspension of a Member’s voting privileges, and ability for any personnel named in the UNOS Membership database as associated with the Member institution, who is not otherwise eligible to serve by virtue of his association with a member in a category other than member “Not in Good Standing,” to sit on any UNOS Committee, hold UNOS office, or sit on the UNOS Board of Directors.

5.03A Suspension And Expulsion

A Board action recommending suspension of membership privileges or expelling a member, except as provided in the next sentence, shall not become effective until final Board action is taken pursuant to Section 4.01A above after the member has waived its right to a hearing and appellate review with respect to such Board action or such hearing and appellate review proceedings have been concluded. Notwithstanding the foregoing, a Board action suspending a member may be made effective at any time, subject to UNOS authority to take such action, if the Board shall find based on available evidence that the alleged violation of membership requirements poses a substantial and imminent threat to the quality of patient care.

5.04A [RESERVED]

5.05A Restoration Of Unrestricted Membership

Upon presentation of evidence to the satisfaction of the MPSC that a probationary Member, Member declared Not in Good Standing, or a suspended Member has fully complied with UNOS requirements, the MPSC shall recommend that the Board of Directors restore unrestricted membership privileges, in the case of a Member placed on probation or declared Not in Good Standing, or recommend restoration of unrestricted membership privileges, in the case of suspension of the Member’s membership privileges.

5.06A Restoration Of Privileges After Violation of Mandatory Policies Under Section 121.10(c) Of the OPTN Final Rule

Upon presentation of evidence to the satisfaction of the MPSC that a Member penalized for violation of a mandatory policy under Section 121.10(c) of the OPTN Final Rule, 42 CFR § 121.10(c), has fully

complied with UNOS requirements, the MPSC shall recommend to the Board of Directors that the penalty be removed