

Important Updates and Clarifications for Patients of the Center for Reproductive Health (“CRH”) Regarding the Receiver’s Cryopreservation Services Agreement (“CSA”) with Tennessee Fertility Institute (“TFI”)

- For patients who are concerned that under the CSA, it will take 6 months to have their genetic material transferred to their chosen provider:
 - As soon as TFI receives patients’ genetic materials and performs the required audit and inventory of those materials (which is slated to take 3 weeks), TFI’s embryologists will start processing patients’ transfer requests.
 - The plan is to have all transfers completed within the first 6 months of the CSA, but many will be completed before then. Patients who have already submitted transfer requests should be able to arrange their transfer sooner, so long as they provide any outstanding information needed by TFI and the Receiver.

- For patients who don’t want to transfer their care to TFI:
 - Patients are under no obligation to become patients of TFI. (see ¶ 1.7 of the CSA)

- For patients who are concerned that TFI patients will be prioritized over other patients:
 - The CSA expressly provides that “[TFI] shall not...prioritize processing transfers of Tissues to [TFI] over patient requests to transfer Tissues to other providers.” (¶ 1.6 of the CSA)

- For patients who do not want their genetic material moved to long-term storage:
 - The goal is for all patients to have their genetic material transferred to their chosen provider by the end of the six-month term. Genetic material will only be sent to long-term storage if it remains unclaimed by patients. (see ¶ 1.9 of the CSA)
 - TFI will, at minimum, mail a letter and send an email to each patient who has tissues stored at CRH to determine what the patient wishes to do with their genetic material. (see ¶ 1.4 of the CSA)

- Why does there need to be an audit of patients’ genetic materials? Can’t you just pull my genetic material out of storage at CRH and transfer it directly to my chosen provider without TFI auditing all patients materials at its premises?
 - The Receiver has determined that an audit is necessary to ensure that all genetic material is matched with, and safely and ethically transferred to, the correct patients.
 - As stated in the Receiver’s Interim Report #2 (filed with the Court):
 - “After further analyses of the Receivership Defendants’ records related to the dewar inventory, the Receiver confirmed that records are inconsistent and incomplete. The Receiver interviewed three former staff members and confirmed that records were not always properly maintained or reconciled between the three tracking systems: the Artisan EMR, the “Cryo Log”

Google Sheet (“Cryo Log”), and physical paper records maintained in the lab.

- As a result, the Receiver performed a random sample audit of the records in two systems, Artisan EMR and the “Cryo Log,” to better understand the level of inaccuracies in the data. A random sample of 73 records was reviewed, which represented 10% of the records in the Embryo tab of the “Cryo Log.” The Receiver compared the data for location and quantity of specimens stored in the “Cryo Log” with the same information in the Artisan EMR system.
 - The analysis determined that 52% of records (38 of 73) contained at least one error related to location or quantity information. Of these, 82% reported different quantities between the two systems, 42% had differing location information in the two systems, 11% existed in only one of the two systems and had no records at all in the other, and 5% had matching patient information, but were missing location system in one of the systems so they could not be verified.
 - As a result, the Receiver, as well as former staff and an outside embryologist, have determined that a physical inventory and audit is required to produce more accurate records of the contents of the dewars.” (pp. 6-7)
 - Because the Receiver does not have the resources needed perform the required audit at CRH, patients’ genetic materials need to be transferred to TFI so that TFI can perform the required audit at its clinic and then proceed with patient transfer requests.
- Why wasn’t an audit of the genetic material done sooner?
 - It took time to identify and assess CRH’s various recordkeeping systems and conclude that an audit needed to be conducted.
 - There also is not an embryologist on staff at CRH to do the audit.
 - There is an embryologist who is regularly monitoring and servicing the tanks storing patients genetic materials at CRH, but the embryologist is a full-time employee at another fertility clinic.
 - Why does the genetic material need to go to TFI? Can’t it be transferred from CRH to the new provider I chose?
 - CRH closed because it lost all its clinical staff.
 - The business was also behind on rent and had other outstanding bills.
 - Making CRH fully operational again would take a large amount of time, money, and effort. Given CRH’s lack of funds and with the urgency patients feel to access their genetic materials and resume their fertility care, that approach would not be workable. The Receiver has determined that the safest, most efficient process is working with an already operational facility like TFI.

- The Receiver considered multiple potential fertility clinic partners before determining that TFI was a good fit.
 - TFI will effectuate all patients' transfer requests.
- Why weren't patients consulted about the bulk transfer to TFI?
 - There are an estimated 650 patients of CRH. Consulting with each one could add months, if not years, to the process.
 - In addition, patients do not all agree on what should be done. Some approve of the CSA while others do not. Attempting to get all patients to agree on one plan would stall all transfers indefinitely.
 - One of patients' biggest concerns is how much time it has taken for them to get access to their genetic materials. The CSA is the best, most efficient way for patients to quickly and safely get their genetic material moved to new providers.
- How much will it cost to transfer my genetic material?
 - The State is covering the costs of the bulk transfer to TFI and other associated costs.
 - Transfers to Nashville Fertility Center will also be covered.
 - If a patient wants to transfer their genetic material to a different facility, that cost will be determined by third-party couriers.