



VELAMMAL MEDICAL COLLEGE HOSPITAL AND RESEARCH INSTITUTE MADURAI - 625009

8.1.5

Medical, Legal, Ethical and Social Issues involved in organ transplantation

Instructional sessions for students introduced by the college on the medical, Legal, ethical and social issues involved in organ transplantation

Medical Issues

What is organ transplantation?

An organ transplant is a surgical operation where a failing or damaged organ in the human body is removed and replaced with a new one. An organ is a mass of specialized cells and tissues that work together to perform a function in the body. The heart is an example of an organ. It is made up of tissues and cells that all work together to perform the function of pumping blood through the human body.

Any part of the body that performs a specialized function is an organ. Therefore, eyes are organs because their specialized function is to see, skin is an organ because its function is to protect and regulate the body, and the liver is an organ that functions to remove waste from the blood.

A graft is similar to a transplant. It is the process of removing tissue from one part of a person's body (or another person's body) and surgically re-implanting it to replace or compensate for damaged tissue. Grafting is different from transplantation because it does not remove and replace an entire organ, but rather only a portion

Not all organs are transplanted. The term "organ transplant" typically refers to transplants of the solid organs: heart, lungs, kidneys, liver, pancreas and intestines. Animal and artificial organs may also serve as transplantable organs. Other types of transplants that are less invasive or may require specialized procedures, include:

- Skin transplants or grafts
- Corneal transplants
- Bone marrow transplants

Dean
Velammal Medical College Hospital
and Research Institute
'Velammal Village'
Madurai-Tuticorin Ring Road
Anuppanadi, Madurai (TN)-625 009



VELAMMAL MEDICAL COLLEGE

HOSPITAL AND RESEARCH INSTITUTE

MADURAI - 625009

Cadaveric Organ Donation

Organs taken from deceased people are called cadaveric organs.
Cadaver is Latin for "a dead body."

Living Organ Donation

Living people who wish to donate their organs can donate in two ways:

1. Donate one-half of a paired organ set. Example: Kidney
2. Donate a portion of an organ that will still be able to function without it.
Example: A portion of the liver.
Example: A lobe of the lung

Historical moments in organ transplantation;

1981-First successful heart-lung transplant. The organs worked for 5 years.

1982-First artificial heart transplant.

1983-Cyclosporine, an immunosuppressant drug, was approved by the FDA.

1986-A baboon heart was transplanted into Baby Faye and worked for 20 days.

1989-The first successful living-related liver transplant.

Dean

**Velammal Medical College Hospital
and Research Institute**
'Velammal Village'
Madurai-Tuticorin Ring Road
Anuppanadi, Madurai (TN)-625 009



VELAMMAL MEDICAL COLLEGE HOSPITAL AND RESEARCH INSTITUTE MADURAI - 625009

Ethical Issues

The Organ Shortage

The primary ethical dilemmas surrounding organ transplantation arise from the shortage of available organs. Not everyone who needs an organ transplant gets one and in fact, the scales tip quite heavily in the opposite direction.

The United Network for Organ Sharing (UNOS) maintains a comprehensive, up-to-date website that gives the status of people awaiting organ transplants. According to their website (updated daily at www.unos.org) over 83,000 people are currently awaiting transplants in the United States.

The UNOS website reports that in 2003 more than 19,000 organ transplants were performed. The organs were taken from approximately 9,800 donors both living and deceased. While 19,000 transplants may seem like a large number, 83,000 people remain on the waiting list for an organ and the gap between the number of available donor organs and the number of people who need organs grows daily.

The following information from www.unos.org gives an idea of the extent of the organ shortage:

- "On average, 106 people are added to the nation's organ transplant waiting list each day--one every 14 minutes.
- "On average, 68 people receive transplants every day from either a living or deceased donor.
- "On average, 17 patients die every day while awaiting an organ -- one person every 85 minutes. In 2002, 6,187 individuals died on the U.S. organ transplant waiting list because the organ they needed was not donated in time.

Dean
Velammal Medical College Hospital
and Research Institute
'Velammal Village'
Madurai-Tuticorin Ring Road
Anuppanadi, Madurai (TN)-625 009



VELAMMAL MEDICAL COLLEGE

HOSPITAL AND RESEARCH INSTITUTE

MADURAI - 625009

Distribution of available organs

The concept of distributive justice – how to fairly divide resources – arises around organ transplantation because there are not enough organs available for everyone who needs one. Distributive justice theory states that there is not one “right” way to distribute organs, but rather many ways a person could justify giving an organ to one particular individual over someone else. 30 This list of possible distributive justice criteria comes from the University of Washington School of Medicine website:

1. To each person an equal share
2. To each person according to need
3. To each person according to effort
4. To each person according to contribution
5. To each person according to merit
6. To each person according to free-market exchanges

Legal and Social Issues


Current Laws

Organ donation laws at the state and federal levels exist for two primary purposes. The first purpose of organ donation laws is to help ensure a safe and fair organ donation collection and distribution practice. The second type of organ donation laws have been enacted to widen the pool of potential donors in an effort to increase the number of organs available for transplant.

National Organ Transplant Act of 1984

The goal of the National Organ Transplant Act (NOTA) was to address the problems of organ shortage and improve the collection and distribution of organs nationwide. It was passed by the United States Congress in 1984.

- Established the United Network for Organ Sharing (UNOS) to maintain a nationwide computer registry of all patients who need organs.
- Established the Organ Procurement and Transplant Network (OPTN) – OPTN keeps a national registry of patients and organs and matches organs with patients.
- Established the Task Force on Organ Transplantation.
- Banned the purchase or sale of organs or tissues.


Dean
Velammal Medical College Hospital
and Research Institute
'Velammal Village'
Madurai-Tuticorin Ring Road
Anuppanadi, Madurai (TN)-625 009



VELAMMAL MEDICAL COLLEGE

HOSPITAL AND RESEARCH INSTITUTE

MADURAI - 625009

Consolidated Omnibus Reconciliation Act of 1986

The Consolidated Omnibus Reconciliation Act (COBRA), passed by the United States Congress in 1986, primarily addressed health benefits and health insurance coverage. Regulations concerning organ transplantation and allocation were written into the COBRA reforms:

- Requires hospitals to establish a relationship with a federally mandated Organ Procurement Organisation.
- The Act also includes the instruction that Organ Procurement Organizations must work with hospitals to coordinate transplants at the local level.
- This act forced all hospitals receiving Medicare or Medicaid funding to enact a "required request" policy.
- A required request policy ensures that all families of potential donors are told about organ donation and their right to decline donation.

Uniform Anatomical Gift Act


The Uniform Anatomical Gift Act is a set of model regulations and laws concerning organ donation that all 50 states have passed in some measure. There have been many revisions to the Act.

1968 – The passage of the Uniform Anatomical Gift Act in the United States Congress allows people to donate their organs.

1972 – The Uniform Donor Card is passed as a legal document in all 50 states, allowing anyone over 18 to donate their organs.

Medicare Conditions of Participation

Medicare developed five incentive policies in 1998 to encourage organ donation and organ procurement in participating hospitals. They are printed on the International Association for Organ Donation website:


Dean
Velammal Medical College Hospital
and Research Institute 5
Velammal Village
Madurai-Tuticorin Ring Road
Anuppanadi, Madurai (TN)-625 009



VELAMMAL MEDICAL COLLEGE

HOSPITAL AND RESEARCH INSTITUTE

MADURAI - 625009

- "The hospital must notify the organ procurement agency of every death occurring in their facility.
- All hospital personnel providing the option of donation to families will be trained by the organ procurement agency.
- The Hospital will have a written agreement to work with organ, tissue and eye banks.
- The hospital will acknowledge that screening for potential donors will be conducted by the appropriate recovery agency.
- The hospital will work in conjunction with recovery agency to conduct record reviews to determine the donation potential of individual facilities.

First Person Consent Laws

In the 1990's, states began to pass first person consent laws. These laws require hospitals and organ procurement organizations to follow a patient's organ donation wishes as indicated on their driver's license or in a health care directive. Where the laws are enacted, the hospital and the organ procurement organisation have a legal right to follow a deceased person's written organ donation wishes and does not require them to approach the deceased person's family for permission to remove the organs.

Some advocacy organizations suggest that as many as 2/3 of people who sign organ donation consent forms do not have their wishes honored when they die.⁹¹ This is because when families are approached for consent to remove the organs, they do not give it. The first-person consent laws attempt to eliminate the discrepancies between a person's organ donation wishes and family consent by putting the patient's decisions above the decisions of their family.

This practice supports and acknowledges autonomy. Autonomy is the right to make decisions for oneself and to practice self-determination and self-governance. Many Americans value autonomy very highly and consider self-determination a fundamental right.

Dean
Velammal Medical College Hospital
and Research Institute
'Velammal Village'
Madurai-Tuticorin Ring Road
Aruppanadi, Madurai (TN)-625 009