

Research Report for Model United Nations of Hamburg 2015

Forum:	Special Commission (Health)
Issue:	Discussing the issue of donating organs
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Definition of the issue

Modern surgical techniques have made it possible for people who have diseased or damaged organs and/or tissues to get healthy ones from a living or dead donor. There are many limits on what can be transplanted, when the donor is living. Organs like kidneys are the most common, together with sections of liver and lungs. Major organs taken from a dead donor are the heart, lungs, kidneys, liver and tissues.

Every day around 21 people die while waiting for an organ transplant. There is a long waiting list and the order of patients should be followed. However this sometimes is not the case when doctors transplant organs illegally to a patient who actually should wait longer for the organ. Also the organs sometimes never reach the person who is in need of one because there is illegal organ trafficking, especially in Asia.

One of the ethical questions is the determination of death. People who are on life support may be eligible for organ donation and important questions arise about correctly determining when they are actually dead before organ procurement can proceed. Other important ethical questions include who is eligible to receive an organ? How are organ waiting lists structured? Should payment for organs be permitted? Should reproductive organs be permitted for transplantation? How should religious and cultural sensitivities be handled?

Background information

Almost every person can be an organ donor. A donor does not need a certain age and the medical history is also irrelevant but the transplant success rate increases if the donor has the

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same race or ethnic group as the person who is in need of an organ. Most organ donors are patients who die because of a brain haemorrhage or severe head injury, and who are on a

ventilator in a hospital intensive care unit. Such a ventilator provides oxygen that keeps the heart beating and blood circulating after death. These donors are called heart-beating donors.

Under these circumstances, death is diagnosed by brain stem tests. There are very clear and strict standards and procedures for these tests, which are always performed by two experienced doctors who are entirely independent of the transplant team. They will confirm death in the same way for people who donate organs as for those who do not. Organs are only removed for transplantation after a person has officially been declared dead.

Patients who die in hospital but are not on a ventilator can, in some circumstances, donate their kidneys and other organs. They are called non-heart-beating donors. Heart-beating and non-heart-beating donors can donate their corneas and other tissue.

Illegal organ trafficking is hard to prove due to lack of evidence and reliable data, cases of illegal organ trafficking have been attempted and prosecuted in the past. According to estimates about 42% of organs that are transplanted are from illegal human trafficking.

Nearly all religions accept organ donation and transplantation; they view it as an act of charity and/or love.

Definitions of key terms

Actual Organ Donor: Deceased or living person from whom at least one solid organ or part of it has been recovered for the purpose of transplantation.

Brain Death: Brain Death is characterized by absence of electrical activity in the brain, blood flow to the brain, and brain function as determined by clinical assessment of responses. A brain dead person is dead, although his or her cardiopulmonary functioning may be artificially maintained for some time.

Donor: A human being, living or deceased, who is a source of cells, tissues or organs for the purpose of transplantation.

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Recipient: The human being into whom tissues or organs were transplanted.

Waiting List Management: A system for maintaining a waiting list accuracy and currency, protecting the privacy and confidentiality of patients in the Waiting List.

Timeline of events

1869: First skin transplant performed.

1906: First transplant of a cornea performed.

1954: First successful kidney transplant performed. A living donor gave a kidney to his identical twin.

1959: First successful kidney transplant performed between fraternal twins.

1960: First successful kidney transplant performed between siblings who were not twins.

1962/1963: First kidney, lung, and liver transplants recovered from deceased donors.

1963: First organ recovery from a brain dead donor.

1966: First successful pancreas transplant performed.

1967: First successful heart transplant performed in South Africa.

1967: First U.S. heart transplant performed.

1967: First simultaneous kidney/pancreas transplant performed.

1967: First successful liver transplant performed.

1968: The first organ procurement organization (OPO) was established, New England Organ Bank based in Boston.

1968: First definition of brain death based on neurological criteria developed by a Harvard Ad Hoc Committee.

1968: First successful bone marrow transplant performed.

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- 1968:** Uniform Anatomical Gift Act drafted by the National Conference of Commissioners on Uniform State Laws; established the Uniform Donor Card as a legal document of gift in all 50 states, identified the types and priority of individuals who could donate a deceased person's organs, and enabled anyone over 18 to legally donate his or her organs upon death.
- 1980:** Uniform Determination of Death Act (UDDA) defines death as either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the brain, including the brain stem.
- 1981:** Uniform Determination of Death Act (UDDA), a draft state law developed by the National Conference on Uniform State Laws, in cooperation with the American Medical Association (AMA), the American Bar Association (ABA), and the President's Commission on Medical Ethics.
- 1983:** First successful single lung transplant with significant recipient survival (more than 6 years).
- 1983:** National Organ and Tissue Donor Awareness Week first declared by Congress, Senate Joint Resolution 78.
- 1983/1984:** First successful lung and heart/liver combined transplant performed.
- 1984:** The National Organ Transplant Act passed by Congress prohibits the selling of human organs, establishes the Organ Procurement and Transplantation Network to ensure fair and equitable allocation of donated organs, and the Scientific Registry of Transplant Recipients to conduct an ongoing evaluation of the scientific and clinical status of organ transplantation. It also provided for grants for the establishment, initial operation, and expansion of organ procurement organizations.
- 1985:** Public Law 99-272, The Omnibus Reconciliation Act of 1985, April 8, 1986, required that States have written standards with regard to coverage of organ transplants in order to qualify for federal payments under Title XIX of the Social Security Act.
- 1986:** Required Request legislation. The Omnibus Budget Reconciliation Act of 1986 required hospitals to have in place policies for offering all families of deceased patients the opportunity to donate their loved one's organs.

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- 1987:** First successful intestine transplant performed
- 1988:** First split-liver transplant surgery performed. This procedure enables two recipients to each receive a portion of one donated liver.
- 1990:** Nobel Prize awarded to Dr. Joseph E. Murray and Dr. E. Donnall Thomas, pioneers in kidney and bone marrow transplants respectively. Dr. Murray performed the first successful kidney transplant (1954) and Dr. Thomas performed the first bone marrow transplant (1968).
- 1990:** First successful living donor lung transplant was performed
- 1995:** First living donor kidney was removed through laparoscopic surgical methods that result in a small incision and easier recovery for the donor.
- 1998:** The Centers for Medicare and Medicaid Services issued its Hospital Conditions of Participation in Medicare and Medicaid programs requiring participating hospitals to refer all deaths and imminent deaths to the local organ procurement organization.
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- 1999:** Institute of Medicine Report released its report *Organ Procurement and Transplantation*, with five recommendations. Among these were recommendations to: discontinue the use of waiting time in allocation of less severely ill liver patients; reaffirm the federal government's OPTN oversight role; establish independent review of the OPTN; and improve OPTN collection and availability to independent investigators for research or analysis.
- 2000:** Children's Health Act (PL 106-310): Amended the National Organ Transplant Act to require the OPTN to consider special issues concerning pediatric patients that should be considered in organ allocation.
- 2001:** Number of living donors exceeds number of deceased donors for the first time in the U.S.

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- 2002:** Department of Health and Human Services premieres its new documentary, *No Greater Love* at the Ronald Reagan Building, Washington, DC. This hour long film, narrated by Angela Lansbury and produced by Banyan Communications, depicts the power of transplantation and the critical need for more donors.
- 2004:** Organ Donation and Recovery Improvement Act (PL 108-216): expanded authorities of the National Organ Transplant Act to, among other things, provide reimbursement of travel and subsistence expenses for living organ donors, and grants to states and public entities.
- 2005:** First successful partial face transplant performed in France.
- 2006:** Institute of Medicine (IOM) released a new report, *Organ Donation: Opportunities for Action*. The IOM examined the ethical and societal implications of numerous strategies to increase deceased donation and considered several ethical issues regarding living donation, resulting in the presentation of seventeen recommendations for action.
- 2006:** Donate Life America launched its Donor Designation Collaborative to increase the total number of registered donors in the U.S. to 100 million
- 2009:** END THE WAIT! Campaign launched by the National Kidney Foundation to increase organ donation and eliminate the kidney waiting list
- 2014:** Vascularized composite allografts (VCAs) is added to the definition of organs covered by federal regulation (the OPTN Final Rule) and legislation (the National Organ Transplant Act). The designation went into effect on July 3, 2014.

Actions taken

The United States of America and numerous other countries have passed laws aimed at ending illegal organ trade. In 1994, India passed the Transplantation of Human Organs Act, which banned both the sale of human organs and organ transplants between non-relatives. South Africa adopted the Human Tissue Act of 1983, which outlaws the transfer of tissue, bone, organ, or bodily fluid in exchange for payment. In May 2007, China adopted the Human Transplantation Act banning organ commercialism.

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Though claims of organ trafficking are hard to substantiate due to lack of evidence and reliable data, cases of illegal organ trade have been tried and prosecuted in the past. It is estimated that 42% of organs that are transplanted are from illegal human trafficking

Possible solutions

In order to solve the issue there must be more controls in all aspects of organ donation and transplantation as well as measures against illegal organ trafficking. Such measures include harsher penalties for the dealers. Besides that there should be more transparency when it comes to donation and transplantation. That means for example the publishing of activity reports.

Relevant resolutions/treaties

- **WHA63.22 Resolution:** Member States are urged to collaborate in collecting data including adverse events and reactions and WHO is requested to facilitate access for Member States to appropriate information.
- **WHA63.22 Resolution:** Encourages the implementation of globally consistent coding systems.
- Report of the Second Global Consultation on Safety and Quality Requirements for Cells and Tissues for Transplantation, Geneva, 7-9 June 2006
- Aide-Mémoire on Key Safety Requirements for Essential Minimally Processed Human Cells and Tissues for Transplantation
- Aide-Mémoire on Access to Safe and Effective Cells and Tissues for Transplantation
- Transplantation of Human Organs Act
- Human Tissue Act of 1983
- Human Transplantation Act banning organ commercialism

In order to prepare for the position of your country you should consider the following:

Is your country in favor or against organ donation and why? (religion etc.)

What can be done in order to increase the number of organ donations?

Is your country involved in illegal organ trafficking?

What is your country doing against illegal organ trafficking?

Useful links

http://bj.oxfordjournals.org/content/108/suppl_1/i48.full

<http://www.ncbi.nlm.nih.gov/pubmed/12566971>

<http://www.ncbi.nlm.nih.gov/pubmed/18261540>

Sources

<http://www.nhs.uk/Livewell/Donation/Pages/Ethicsandworries.aspx>

<http://www.transplants.org/facts-about-organ-donation>

<http://www.bioethics.org.au/Resources/Resource%20Topics/Organ%20Donation.html>

http://who.int/transplantation/cell_tissue/en/