



The Organization for Transplant Professionals

NATCO, THE ORGANIZATION FOR TRANSPLANT PROFESSIONALS POSITION STATEMENT

ORGAN SOLICITATION

Statement of the Problem:

As of October 2007 OPTN/UNOS lists over 95,000 people waiting for organ transplants. The number of people needing an organ transplant is continually increasing, leading to scarce resources. The organ shortage has led to many desperate attempts to secure an organ by bypassing the waiting list. Recent cases of individuals successfully soliciting both deceased and living organs via news broadcasts, talk shows, television commercials, billboards, websites, and toll-free hotlines, demonstrates the need for careful review and revisions in policy. Such individuals' efforts have succeeded because of the ability to circumvent the current allocation policies by soliciting for a directed deceased donation and the lack of policy governing living donation.

All patients expect to have a fair and equitable chance of receiving the organ they need because of the regulations and oversight that exist in the current system. Any policy being exploited must be corrected to maintain this fairness and equity and to protect the public trust. The transplant waiting list is intended to be blind to matters of financial standing, social status, race, creed, or political power. Organs are allocated to the patients at the top of the list who are the clinically appropriate candidates in the most need. This balance of justice and equity is vital. Any patient who gains an unfair advantage would upset that balance and cause the disadvantage of others.

Policy:

NATCO believes that solicitation of the gift allows those who have sufficient means the ability to garner an advantage over others on the waiting list without similar means. Any type of preferential allocation in which the individual at the top of the OPTN/UNOS waiting list is not the individual to be offered the next available suitable organ, is unacceptable. In the current system, organs are predominantly allocated to the highest-ranking suitable recipient, but an organ solicitor can effectively take an organ away from that individual through directed donation. NATCO finds solicitation, especially on a commercial scale, to be unethical as it subverts the current allocation system giving unfair advantage to those with means. NATCO therefore opposes solicitation for living and deceased organs and supports the development of policies that prevent this type of action.

In order to prevent the continuation of deceased organ solicitation, NATCO recommends modifications to the presently unrestricted nature of directed donation. The Uniform Anatomical Gift Act (UAGA) allows organs to be directed to specific individuals and specific centers. If directed donation were limited or more specifically defined, it would be more difficult to use solicitation to sidestep the system.

Directed donation was never intended to facilitate inequitable, unjust, or discriminatory allocation of organs. These policies were intended to allow families some control over the organs of their loved one so that they could potentially help someone else close to them. However, because of the currently unrestricted nature of directed donation, abuses are possible. Recent cases have shown that directed donation is not used solely to help close relations (relatives) of the donor or legal next of kin (LNOK). It has been misused in order to allow certain individuals to bypass the waiting list. It is therefore evident that directed donation should not be allowed to continue to exist without regulation or restriction. NATCO endorses and supports federal legislation that would severely limit or eliminate solicitation while supporting the spirit and intent of the UAGA.

To ensure that current policies regarding directed deceased donation can no longer be exploited, NATCO proposes that directed deceased donation should only be permitted where the LNOK can identify a relationship between them and the intended recipient. The OPO will attempt in good faith to verify the relationship, while observing the right of the LNOK to the deceased body and disposition. In circumstances of suspected solicitation for an organ, the OPO will educate the donor family about the guiding principles of the OPTN/UNOS waiting list and of the fairness and equity that the list affords every individual on the waiting list. NATCO also supports the establishment of a system to support living organ donation of non-directed donation that is fair and equitable and recommends that OPTN/UNOS develop allocation criteria and regulate this new system.