

CEJA Report 4 – I-96
Organ Procurement: Upholding Donor Decisions

INTRODUCTION

Resolution 12 was referred through the Board of Trustees to the Council on Ethical and Judicial Affairs at the 1996 Annual Meeting. Sponsored by the Arizona Delegation, Resolution 12 calls upon the American Medical Association to “expand its policies relative to organ donation and support the position that when deceased individuals have indicated their desire to donate organs, tissues or their whole body for transplantation, research or other scientific endeavors such decisions cannot be overridden by their next-of-kin.” In response to this resolution, the Council presents the following report on the need to uphold the decisions of those who have consented to organ and tissue donation.

PAST REPORTS OF THE COUNCIL

In its report, “Ethical Considerations in the Allocation of Organs and other Scarce Medical Resources,” the Council discusses the process through which decisions to donate organs can be communicated. Although not explicitly stated in its conclusion, the report alludes to the fact that decisions to donate made by competent adults are not subject to revocation by surviving family members. Specifically, the report quotes the Uniform Anatomical Gift Act which states in part, “An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor’s death.” This language has been adopted as law in thirteen states.

The sentiment of this report is consistent with the professions’ commitment to honoring the informed decisions of competent adults. Allowing patients independently to consent to transplantation is a logical extension of their status as individual patients. Furthermore, knowing their decisions will be upheld may allow patients to reap the altruistic benefits of donation. Carrying out the wishes of donors will also help alleviate the tragic shortage of transplantable organs.

CONCLUSION

Recognizing the importance of upholding individual decisions to donate, the Council amends Section (3) of Opinion 2.16 “Organ Transplantation Guidelines” as follows:

- (3) Full discussion of the proposed procedure with the donor and the recipient or their responsible relatives or representatives is mandatory. The physicians should ensure that consent to the procedure is fully informed and voluntary, in accordance with the Council’s guidelines on informed consent. *Once such informed consent to donation has been given by the donor in accordance with applicable state law, it cannot be revoked by surviving family members.* The physician’s interest in advancing scientific knowledge must always be secondary to his or her concern for the patient.