NO HOLDS BARRED

Margaret McCartney: When organ donation isn’t a donation

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“Soft opt-out boosts donation in Wales,” wrote the BMA.1 “Dozens saved” in six months by Welsh deemed consent organ donation system, said the Guardian.2 Should the rest of the UK follow what Wales started in December 2015: a system of opt-out organ donation?

The rest of the UK requires consent for organ donation, either by the dead person having pre-empted the decision by joining the donor register or by family consent. Wales uses a “soft” opt-out, meaning that it’s not intended to be legally enforced and that potential situations where doctors remove organs for transplant directly against the surviving family’s wishes will not occur.

Has it been effective? The most recent available figures, from the first three quarters of 2016-17, show a small decrease in deceased donors since the same period the previous year.3 Although variability is to be expected, they don’t show the obvious increase in donations the headlines suggest.

In fact, opt-out legislation may do more harm than good. This is obvious from an international comparison. Spain has organ donor cards that citizens can carry but no system of opt-out, meaning that it is not intended to be legally enforced and that potential situations where doctors remove organs for transplant directly against the surviving family’s wishes will not occur.

One in 20 Welsh adults has opted out after the new process, who heard the publicity about the new law and chose to opt out.4 Possibly: certainly, it has triggered a small avalanche of people who heard the publicity about the new law and chose to opt out.

In six months by Welsh deemed consent organ donation.5

It’s worth noting that, in Spain—the high achiever of the organ donating world—no increase in donations was noted until 10 years after an opt-out law was passed, when well staffed transplant coordinating teams were instigated. Additionally, Spain has organ donor cards that citizens can carry but no register of people who have opted in or out.4 The systems are thus quite different.

Furthermore, internationally, any rise in deceased donation tends to be accompanied by a decrease in living kidney donations.6

But, above all, what is the effect of presumed donation? A forced, presumed, or expected gift is not a gift. A striking feature of families who have allowed donation has been the desire to help others and the feeling that some shred of good has come out of their profound loss. If the sum of free will to donate is decreased, how can this benefit be realised to the same extent?

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