

Should consent be implied?

by BRIAN LOCKHART

When you're the person hoping to receive a new organ through donation, I'm pretty sure that gift is probably the most precious thing you could ever receive.

Whether you need a kidney or a heart to sustain life, or a corneal transplant to restore sight, if things go well, that transplant will make a huge difference in a person's quality of life.

I personally know several people who received transplants with great results.

One man I used to work with contracted a virus which destroyed his kidneys. He was in rough shape for quite a while.

I didn't see him for a few weeks. As it turned out a kidney became available and he was in the hospital.

When he returned to work he was like a new man. The change was incredible.

That kidney transplant improved his life dramatically for over 20 years before the effects of years of anti-rejection drugs took their toll. Still, that was 20 extra years.

Another man I had the pleasure to meet received a new heart.

He had advanced heart disease after suffering his first of several heart attacks at age 35. Only a few years later his doctor told him his heart was in such bad shape that he had maybe two or three months before it finally gave out. After several life-prolonging and risky surgeries they had reached the end of any kind of useful treatment and a heart transplant was the only hope.

He received the heart of a young man. When I interviewed him for an article over 10 years ago, he was already past the 20-year mark of having his transplant. He is still very much alive and enjoying life.

All these people who have received transplants were granted this second chance because someone's family agreed to have the organs harvested and donated.

It's the final gift a person can give.

Nova Scotia is about to become the first place in North America with 'presumed consent' for organ donation. This means it is presumed your organs will be available for donation unless you specifically 'opt out' and sign a waiver stating you do not consent. It does not apply to persons under the age of 19 or someone mentally incapable of making a decision.

This type of program is already in place in several European countries.

The bill has not yet passed but several people involved in medical ethics have spoken out against it or questioned the morality of assuming that a person who can't object would have wanted to donate their organs.

Although I'm in favour of organ donations, there are too many unanswered questions at present with this type of program.

There is a common misconception in the public that organ donors are people who have died, usually in an accident, but still have organs that were not damaged and can be used.

However, the truth is that organ donors are not 'dead.' You cannot harvest an organ from a deceased person and reanimate dead tissue in another body. The only time this has happened was in Mary Shelley's novel, Frankenstein.

Organ donors are still breathing with a beating heart, although it usually means they are being kept alive artificially.

This is where trained doctors have the expertise to determine that a person's brain activity has ceased, meaning the person will be truly dead and probably very soon if artificial support is cut off.

However this is not always the case. Many families hold on to the slight hope that a comatose patient can recover.

This is where 'implied consent' becomes an ethical dilemma.

At what point can someone else make a decision that a person is no longer a viable human being and start the process of harvesting organs?

In most cases, a person who has been in an accident and is on life support has family members who advocate on their behalf, and if necessary determine there is no hope for a recovery and consent to organ donations.

However, implied consent means that if family members are not immediately available, someone else can make a decision to start the process of harvesting organs before anyone can make a reasonable objection.

I hope I am never in the position to have to make such a decision. If something like that did occur, I would not want other people making a decision for me without being given the facts.

The idea of implied consent is designed to increase the number of available organ donors, and it has worked in Europe.

There are several reasons people choose not to be organ donors and it's a personal choice.

The rules regarding implied consent, at present, are too vague.

When it's your life, or a family member's life that is at stake, a final decision is a complicated, emotional time that shouldn't be rushed because someone else is on a list.