

Knesset approves organ donation law

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The Knesset plenum passed on its second and third reading on Monday the "revolutionary" bill that, starting May 1, prohibits organ sales and will provide benefits to families who donate organs of their loved one for transplant and those who donate a kidney for altruistic reasons.

The law, initiated by MK Otniel Schneller and passed with the support of the Health Ministry, is expected to increase the number of organs available for transplant, thus saving dozens or even hundreds of lives a year.

A few weeks ago, the Chief Rabbinate and the Israel Medical Association (IMA) reached an agreement on how to determine the moment of death, making it possible for the Knesset Labor, Social Affairs and Health Committee to approve the bill for its final readings in the plenum. The IMA opposed previous versions of Schneller's bill on the grounds that it would bring about "rabbinical supervision" of the determination of death.

Schneller said the new law balances the needs of medical ethics and the demands of Jewish law. It declares that lower-brain death and the halt of breathing can be determined only by a pair of doctors who have received authorization from a steering committee appointed by the ministry director-general. The steering committee will be comprised of three physicians recommended by the IMA; three rabbis recommended by the Chief Rabbinate, at least one of whom must be a physician as well; an expert in ethics; an expert in philosophy; and a legal expert recommended by the president of the Supreme Court (one of the last three must be a doctor, while another must be a member of a recognized religion who is not Jewish).

Steering committee members will be appointed for a five-year term and be eligible for an additional term. The committee will decide on ways to train doctors in a short course and approving them for determining the moment of lower-brain death. The training course for the doctors will include the aspects of medicine, law, Halacha and ethics relevant to the subject.

When an approved doctor sets the moment of death - after which he can be disconnected from life support devices and organs may be removed for transplant - he must inform the family of the patient's lower-brain-death status. The family are entitled to receive all documentation and to consult with a clergyman before deciding whether to give organs. If accepting lower-brain death is regarded as forbidden by the patient according to information from the family, the ventilator will not be disconnected - until the patient's heart stops beating.

Prof. Jonathan Halevy, director-general of Jerusalem's Shaare Zedek Medical Center (a modern Orthodox Jew who was previously chairman of the Israel Transplant organization) has estimated that the law would increase the number of potential organ donors through the ADI organization by 10% to 20%. "It would calm potential donors in the entire population, not just the religious, and increase [the public's] trust in doctors, without harming their autonomy," he has stated.

Surveys on why people refuse to register as potential organ donors with ADI have found that many refuse because they fear doctors who determine the moment of death would bend the rules to remove rare organs from still-living patients to save others' lives.

"It is not a magic solution, but it will advance organ donation. It will boost the national consensus," said Halevy.

The law will make the act of dealing in organ sales illegal, whether carried out in Israel or abroad after a number of cases emerged involving Israelis working as middlemen in organ sales abroad.



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