

Israel's Chief Rabbinate freezes plan to help determine brain death

Under dispute is the setting up of an office that would operate 24/7 helping families seeking halakhic and medical guidance in determining brain death.

By Dan Even

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The Chief Rabbinate has frozen a tender it had issued for establishing a service to help families establish brain death for their loved ones, after transplant surgeons said they would not tolerate rabbinic involvement.

The tender under dispute was for setting up an office, with the rabbinate's help, that would operate 24/7 for families seeking halakhic and medical guidance in determining brain death, so they could give permission for their loved ones' organs to be harvested for transplant.

The tender was frozen at the request of Health Ministry Director General Prof. Roni Gamzu, who asked for three months to re-examine the issue, after consulting with Chief Rabbinate Director General Oded Weiner.

As part of the tender, bidders were asked to train rabbis and doctors on how to counsel families seeking advice on establishing brain death, and to be prepared to send a certified rabbi or a doctor to advise families that ask for such counseling.

While the tender specifies that the new mechanism would "coordinate fully with the Health Ministry's National Transplant Center," the publication of the tender six weeks ago took the center by surprise, and immediately raised the ire of senior transplant surgeons.

The medical community fears this is a new attempt by the rabbinic establishment to intervene in the process of declaring death, similar to a demand made by rabbis several years ago that clergymen should participate in the declaration of brain death in hospitals.

The Brain-Respiratory Death Law that went into effect in 2009 represented a compromise between the rabbinate and the Israel Medical Association, which obligates the use of several different technologies and scans to verify brain death. After this condition was accepted, the rabbinate dropped its demand that a clergyman be involved in declaring brain death.

Following the issue of the tender, Prof. Yaakov Lavi, who chairs the heart and lung transplant committee at the National Transplant Center, said: "Not only have we not heard a call by the rabbinate encouraging organ donations, now they are not making do with the compromise reached by law."

Health officials had hoped the Brain-Respiratory Death Law would lead to a dramatic increase in the number of families agreeing to donate their relatives' organs, the rate in 2011 rose only slightly - to 55 percent - from the 49 percent of families who agreed before the law was passed.

The requirement to ascertain brain death by using technology has led to a drop of 40 percent in the number of brain deaths declared.

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