

MK: Hundreds of organ transplants may lose funding

Matthew Wagner , THE JERUSALEM POST

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Starting in May, health funds will stop financing organ transplants performed in countries that don't have regulatory laws, MK Avraham Ravitz (United Torah Judaism) warned Tuesday.

Ravitz, who received a kidney donation from his son eight years ago, said that approximately 900 Israelis were waiting to travel abroad to receive an organ transplant.

"If these people do not complete the transplant process before May, they will lose health fund compensation," said Ravitz, who drafted an amendment that would delay implementation of the organ donation law - which was passed on Monday night - for two years.

The Knesset approved legislation prohibiting health funds from compensating patients for organ transplants performed in countries that lack regulatory laws in parallel with legislation that effectively determines that lower brain death constitutes clinical death. This opens the way for religious Israelis who adhere to Jewish law to volunteer as organ donors. Until now, the religious were concerned that their organs would be removed before they were considered clinically dead in accordance with *halacha*.

Ravitz said that Rabbi Yosef Shalom Elyashiv, the leading halachic authority for Ashkenazi haredi Jews, ordered UTJ MKs to vote against the bill determining clinical death.

Ravitz said that Elyashiv was concerned that doctors would not adhere to the directives attached to the law that obligate them to consult with rabbis before removing organs.

However, Elyashiv has also ruled in the past that brain death does not constitute clinical death according to halacha. In a letter signed by Elyashiv and Rabbi Shlomo Zalman Orlbach that appeared in the haredi daily *Yated Ne'eman* in 1992, removing organs after brain death but before cardiovascular failure should be considered close to murder.

In contrast, Rabbi Moshe Feinstein, the leading halachic authority in America, who died in 1986, ruled that brain death could be considered clinical death according to Jewish law.

In a meeting with MK Otniel Schneller (Kadima), the author of the law determining clinical death, Elyashiv convinced Schneller to add a clause to the bill that would allow families who did not accept lower brain death as clinical death to prevent their loved ones from being disconnecting from life support.

In contrast, Rabbi Ovadia Yosef, the leading halachic authority for Sephardi Jews, approved of the legislation, agreeing with Feinstein that brain death was clinical death.

As a result, the vast majority of Sephardi Jews, both traditional and haredi, are expected to follow Yosef's ruling and volunteer to donate organs.

However, with both Elyashiv and Orlbach opposed to harvesting organs until the heart stops beating, most Ashkenazi haredim are expected to forgo volunteering to donate their organs.



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