

Officials: New donor cards will reduce organ transplants

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By Dan Even

Health officials are worried that the Knesset will authorize changes to organ donor cards that would move certain people up the waiting list for transplants without increasing the overall number of transplants. The officials are putting the blame on religious groups.

In the current format, a potential donor may condition a donation on the decision of a clergyman of the family's choice.

But MK Otniel Schneller (Kadima) has put forth a bill to be sent to the Knesset Constitution, Law and Justice Committee. The bill would amend Article 28 of the organ transplant law of May 2008. Potential donors would be able to specify a religious figure or rabbinical committee that would approve an organ donation after the person's death.

Over the past year, changes have been made that allow the health authorities to give preference in the transplant waiting list to anyone who signs an organ donor card.

Health officials suspect that the proposed legislation is part of an effort by religious groups to bypass the system. In effect, people who do not genuinely intend to donate organs would receive preferential treatment while on the waiting list for a transplant. Their religious patron would then veto the organ donation if the person dies.

A senior source in the medical establishment says that "this proposal may significantly curtail organ transplants in Israel."

The privilege of being moved up on the waiting list if one is a donor is meant to go into effect in January for everyone who signs the donor card by then. The privilege can be exercised only three years after signing the card.

Near the end of this year, the Health Ministry's director general is due to publish the donor card's format; the proposed bill would limit the ministry's freedom to determine the format.

The chairman of the Israel Medical Association's ethics committee, Prof. Avinoam Reches, says "determining brain death and organ transplants has for many years been a source of tension between the doctors and the secular public on the one hand, and Israel's religious community on the other."

Reches, who contacted the justice minister and the chairman of the Knesset Constitution, Law and Justice Committee on the matter, said "the new card seeks to confine [organ donations] to the decision of a religious figure or a specific group of rabbis, without whose agreement it will be impossible to receive organs. The medical community is currently busy fighting over the character of public medicine in Israel, but will not accept this new decision quietly."

The tension between the rabbis and doctors over organ transplants dates to 1986, when the Chief Rabbinate demanded that a religious representative be present when determining brain death. Only in 2009 was legislation on brain death approved, after a compromise forged by Schneller. The law requires that brain death be determined by a medical committee and objective machine-based data.

Still, the Chief Rabbinate refused to acknowledge that brain death is a condition that allows for organs to be donated and transplanted.

The struggle over the card has been underway for at least two years: a proposed rabbinical alternative donor card, called the Levavi, has a different format than the one issued by the Health Ministry. Ministry officials refuse to recognize this alternative card, but the bill would make it valid.

So far, 700,000 people in Israel have signed an organ donor card, including 70,000 who have signed the clause that allows their families to consult a man of the cloth for a final decision. But despite campaigns to raise awareness for organ donations, the number of transplants in Israel has not dramatically changed in recent years and the organ shortage remains.

Health officials say the Levavi card quotes a statement by Maimonides, which they say hints that organ donations should be made only to Jewish patients. They say the statement is in line with the position of rabbis who don't want Jews to donate organs to gentiles.

On the Health Ministry's donor card there is no way to restrict who receives an organ donation.