

## PANEL I: ETHICAL AND LEGAL ASPECTS

Reporter - KAREN COLDEN

Organ transplant opens an entirely new field of psychiatry. Dr. Pollock based this view on a renal disease study. Psychiatrists must first decide upon the criteria for psychological acceptability of a man for organ transplant. A man who becomes a candidate is in the terminal stages of his illness. At this time, he and his family are undergoing the emotional difficulties of facing death. This may include a pre-mortum mourning phase and the family may withdraw their emotional support. At this point, the patient is suddenly offered the chance of a longer lifespan. He often requires time to adjust to the fact that his kidneys will no longer maintain his life before he can begin to think about transplant. The psychiatrist helps by reviving the family's feelings in addition to giving the patient much emotional support. A transplant brings to a head emotional conflicts and difficulties within a family, and thus becomes a time of great emotional turmoil. Asking for a kidney donation from a member of the family often causes additional emotional strife within the potential donor and/or his family. The psychiatrist is needed to help the family work through this added turmoil.

Rev. McCleve, discussing the moral aspects of organ transplant, stated first that there is no moral implication of heart transplant in the Judo-Christian faith. Despite this, all the excitement, which included a congressional inquiry, resulted from the fact that people think that life is in the heart. Secondly, the transplant team ethically cannot be involved in the care of the donor, for the protection of both doctor and donor. It must be remembered that "the donor is a person, not just a body full of usable organs". Thirdly, a living donor for a kidney transplant must decide where his moral responsibility lies - is it with the man who will die unless he receives this organ? Or is it with his own wife and children, recognizing the fact that he is possibly endangering his own life by the donation?

Both Dr. Pollack and Rev. McCleve stressed that the identity of the donor or potential donor must be kept secret. Rev.

McCleve told of a father who refused to give his daughter's heart, after her death in an accident. He was later denounced in the press for this action. Dr. Pollack said that the donor's identity must be kept secret for the recipient's sake also, as transplant often arouses strange emotional reactions in the recipient. Often intense feelings develop between the donor and recipient. After receiving an organ, the patient must be helped to cope with his overwhelming feelings of gratitude. He must be helped to lead an independent life.

Before undergoing transplant, the patient should be warned about over-expectation. He may otherwise become depressed after the operation when his hopes are not realized, i.e. hopes for independence which were focused on the operation.

Professor Curran stated that organ transplant raised three legal points:

- (1) donation of human organs for transplant
- (2) legal definition of death
- (3) legal issues arising out of transplant, especially heart

According to U.S.A. law: a man is legally dead when there is cessation of all vital signs, especially breathing and heart beat; death must be pronounced by a competent doctor; death is one event in time. The A.M.A. recommend that there be an independent pronouncement of death by a non-team member. The A.M.A. criteria for determination of death are E. E. G. procedures repeated 24 hours after the first E.E.G. which indicated brain death. The patient is then to be declared dead, and the respirator to be turned off, secondarily.

A major legal aspect of transplant is the question of whether the procedure is clinical or experimental. Professor Curran agreed that Kidney transplant is a clinical procedure, but maintained that heart transplant is still in the experimental stages. He said that while there is no basic agreement on issues such as tissue typing, donor selection, post-op care, heart transplant cannot be considered a clinical procedure.