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**Submission to the
Queensland Government Review of Organ and Tissue Donation
Procedures Select Committee**

**Options that should be considered to improve the organ and tissue
donation rate in Queensland.**

**Legislative support for (i) Routine notification; and/or (ii) Required
Request.**

Routine notification and Required Request

Routine notification and required request legislation has been enacted in both state and national jurisdictions in the USA as a means of improving organ donor rates since the 1980s

Routine notification - requires that all hospital deaths and all deaths that are imminent within a hospital; are referred to an organ donation organisation. The aim of this initiative was to address the issues of failure to determine which patients were potential donors. Initial policy enactment was a State level, but subsequently enacted a national level in 1998 –requiring all acute care hospitals to notify their local organ procurement organisation of all hospital deaths as a condition of the Health Care Financing Administration. Increases in donation rates 12-49% have been attributed to “routine notification”.

Required requesting – a US federal initiative in the 1986 Omnibus Reconciliation Act (42 U.S.C. 1320b-8) required that hospitals ensure (a) all families of potential donors are identified, (b) families of potential donors are given the opportunity to consent or decline to donate the organs of their relative). Non-compliance authorises funding to be withheld, (however this authority has not been exercised)

Advantages State legislative support for routine notification and/or required requesting has a number of advantages compared to initiatives such as presumed consent. Legislative change directed at hospital health service provision remains the prerogative of the States with Australia. Such initiatives would have limited implications, for current systems of consent for organ and tissue donation, or on the operation of existing legislative, administrative and governance frameworks, including in other jurisdictions.

Currently there are a number of initiatives such as enhanced funding and staffing of organ procurement organisations, non-heart beating donation programs being proposed at a Federal and National basis, as well as State initiatives to improve

the Australia donor rate above 9.0 pmp. Queensland State legislation for routine notification and required request legislation would be complimentary to these initiatives.

To be effective in raising donor rates, these initiatives would require initiatives aimed at improving the knowledge and communication skills of organ donor requesters, ensuring that the families need for support and information are met, so that they can give consent that is informed. The proposed Federal increased funding and staffing of organ procurement organisations could effectively support the increase in referral.

Caution The use of international comparative data based on donor rate per million population (pmp) is not considered to be an effective measure of organ procurement service efficacy. There is considerable variation in international donor rates as measured by donors per million population (pmp). Organ donation rates vary as a function of mortality rates, health service access and provision, socio-demographic factors (including age, race, education, cultural and religious factors of donors and families), as well as the policies and practices of hospital staff and organ procurement services. Because of these variations initiatives to improve organ donor rates that have been trialled in some countries may not be effective in others for example the national organ donation rates are corrected for mortality rates: the donor efficiency rate shows that opting-out systems do not automatically guarantee higher donation rates than opting-in systems.

Because of the multitude of factors that influence organ donation and the size effective potential donor pool in Australia is unknown, an estimate of effectiveness of the introduction of any initiative including routine notification and required request legislation on improving organ donor rates can not be determined.

Conclusion The adoption of routine notification and/or required request legislation would ensure that Queenslanders' could be assured that the option to donate would be discussed and offered to families (if medically eligible) if their death was imminent within a Queensland hospital. Such initiatives would have limited implications, for current systems of consent for organ and tissue donation, or on the operation of existing legislative, administrative and governance frameworks, and would compliment other proposed national and state programs

Ref

Organ Procurement and Transplantation Institute of Medicine (US) 1999 Chapter 4

Opting-out systems: no guarantee for higher donation rates. Coppen, Remco. Friele, Roland D. Marquet, Richard L. Gevers, Sjef K M. Transplant International. 18(11):1275-9, 2005 Nov.