



# Promoting organ donation by prioritizing registered donors in organ allocation – The Israeli experience

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**The National Academy of Medicine webinar 2021**

## How to increase deceased organ donations?

✓ Decrease outgoing transplant tourism

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- ✗ Consider opting out

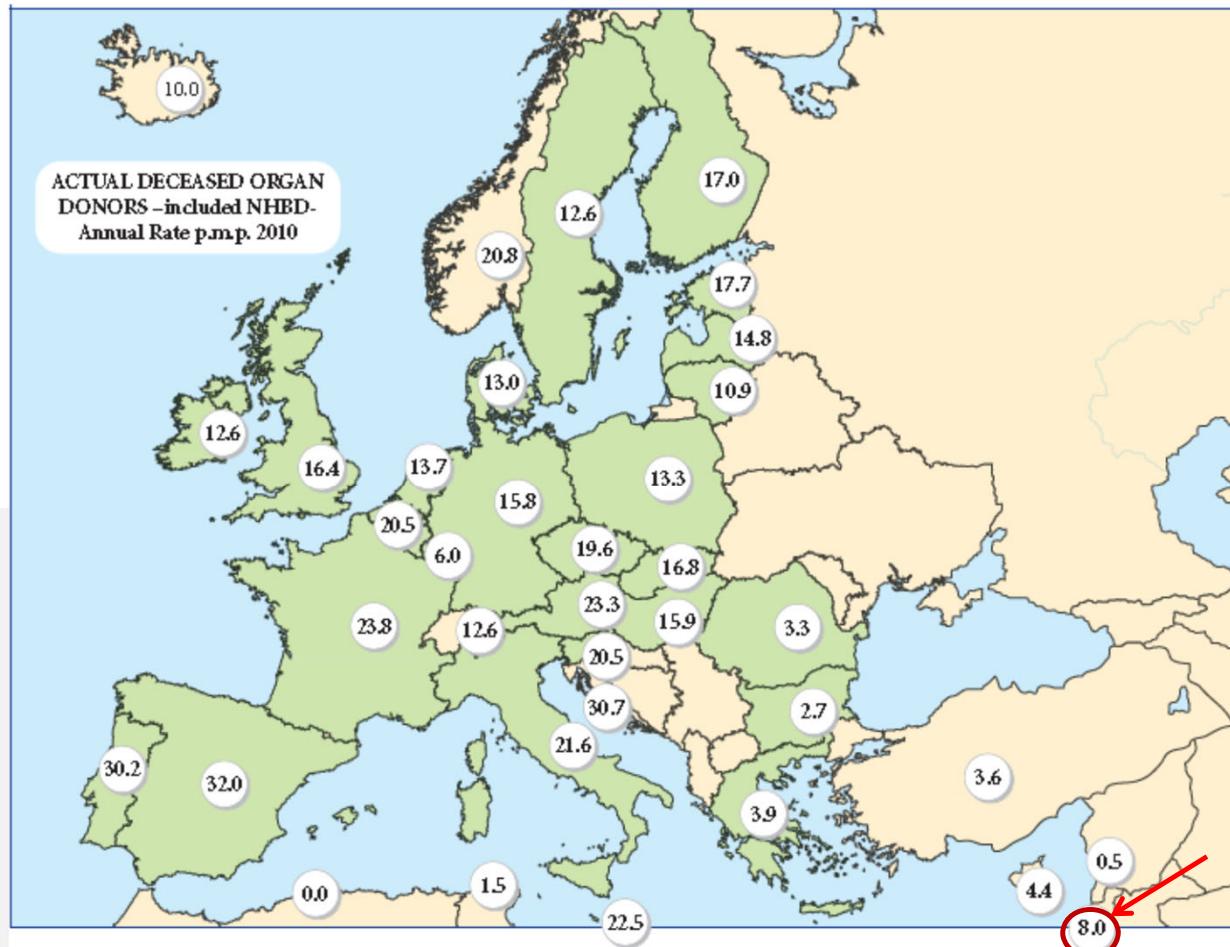
## How to increase deceased organ donations?

- ✓ Decrease outgoing transplant tourism
- ✓ Incentivize opting in
- ✗ Consider opting out
- ✗ Consider donation after controlled circulatory death

# Decrease outgoing transplant tourism



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Newsletter Transplant 2010. Council of Europe



## CAUSES OF LOW ORGAN DONATION RATE

- ✓ Generous reimbursement of transplant tourism by insurance agencies

Transplant tourism from Israel up to 2008





רשותות

Book of Laws

# ספר החוקים

March 31, 2008

31 במרץ 2008

2144

כ"ד באדר ב' התשס"ח

Organ Transplant Law 2008

עמוד

394

חוק השתלת אברים, התשס"ח-2008

תיקונים עיקריים:

פקודת בריאות העם, 1940 – מס' 20

חוק ביטוח בריאות ממלכתי, התשנ"ד-1994 – מס' 40

חוק בתי משפט לעניינים מינהליים, התש"ס-2000 – מס' 33

חוק מותות מוחי-נשימתי, התשס"ח-2008



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## The Israeli Organ Transplant Law 2008

✓ Defines and outlaws organ trade:

(a) A person should not receive any compensation in exchange for an organ which has been procured or is planned to be procured from his or another person's body, whether the organ has been procured during the person's life or after his death.

## The Israeli Organ Transplant Law 2008

✓ Defines and outlaws organ trade:

(b) A person should not give any compensation in exchange for an organ which has been transplanted or is planned to be transplanted in his or in another person's body.

## The Israeli Organ Transplant Law 2008

✓ Defines and outlaws organ trade:

(c) A person should not act directly or indirectly as a middleman between an organ donor and recipient for the purpose of procuring or transplanting an organ if a promise for a forbidden compensation to another person has been given in exchange for procuring an organ, nor should a person receive compensation for acting as a middleman under the above circumstances.

## The Israeli Organ Transplant Law 2008

### Chapter 36

(a) A person who will perform any of the above will be sentenced to three years in prison or will be fined according to the Penalty Law, clause 61(a)(4)(d):

(b) The orders of clauses (a)(1 – 3) above will apply **whether the organ procurement or transplant will be performed within or outside Israel.**

## The Israeli Organ Transplant Law 2008

Chapter 2, clause # 5:

The orders under this chapter do not preclude performance of organ transplantation in a country outside Israel, **including reimbursement by an Israeli body of organ transplantation performed outside Israel**, if **both** of the following are maintained:

- 1) The procurement of the organ and its transplantation have been performed according to the law in the country under discussion.
- 2) The orders against organ trade, as stipulated in this Law, are kept.

Insurance companies to reimburse  
organ transplants abroad only if performed by law

## חברות הביטוח יממן השתלות איברים רק אם נעשו על פי החוק

חוקי באיברים. ההנחיות החדשות קובעות שלפני מתן פיזי או שפוי על ביצוע השתלה תבחן חברת הביטוח אם השתלה בוצעה בהתאם לחוק, ובכלל זה אם נטילת האיבר נעשית על פי הדרין שחל במדינה שבה בוצעה השתלה.

על פי הווה, החל ממרס 2009 ייאסר על חברות הביטוח לשוק פוליסות ביטוח שלא כוללות את הוראות החדשות, ועד 30 באפריל הן יחויבו לעדכן בהתאם להלכות ש כבר רכשו פוליסות.

בוז ברק

המפתח על הביטוח מתגייס למאכק בסחר לא חוקי באיברים ואוסר על חברות הביטוח להציג למבוטחים שיפוי או פיזי על השתלת איברים בחו"ל, אלא אם היא בוצעה במסגרת חוק השתלת איברים.

בחודש שליח המפתח לחברות הביטוח הוא מציין שטורת האיסור היא למנוע אפשרות לחברות הביטוח יממן השתלות איברים שהושגו בדרך לא חוקית וכן למנוע תיווך בסחר באיברים כאלה. לדבריו מתן כיסוי לא מוגבל ולא מותנה להשתלות יכול להתרפרש כמתן עיזוד מצד חברות ביטוח ישראליות לסחר לא

יריעות אהרון

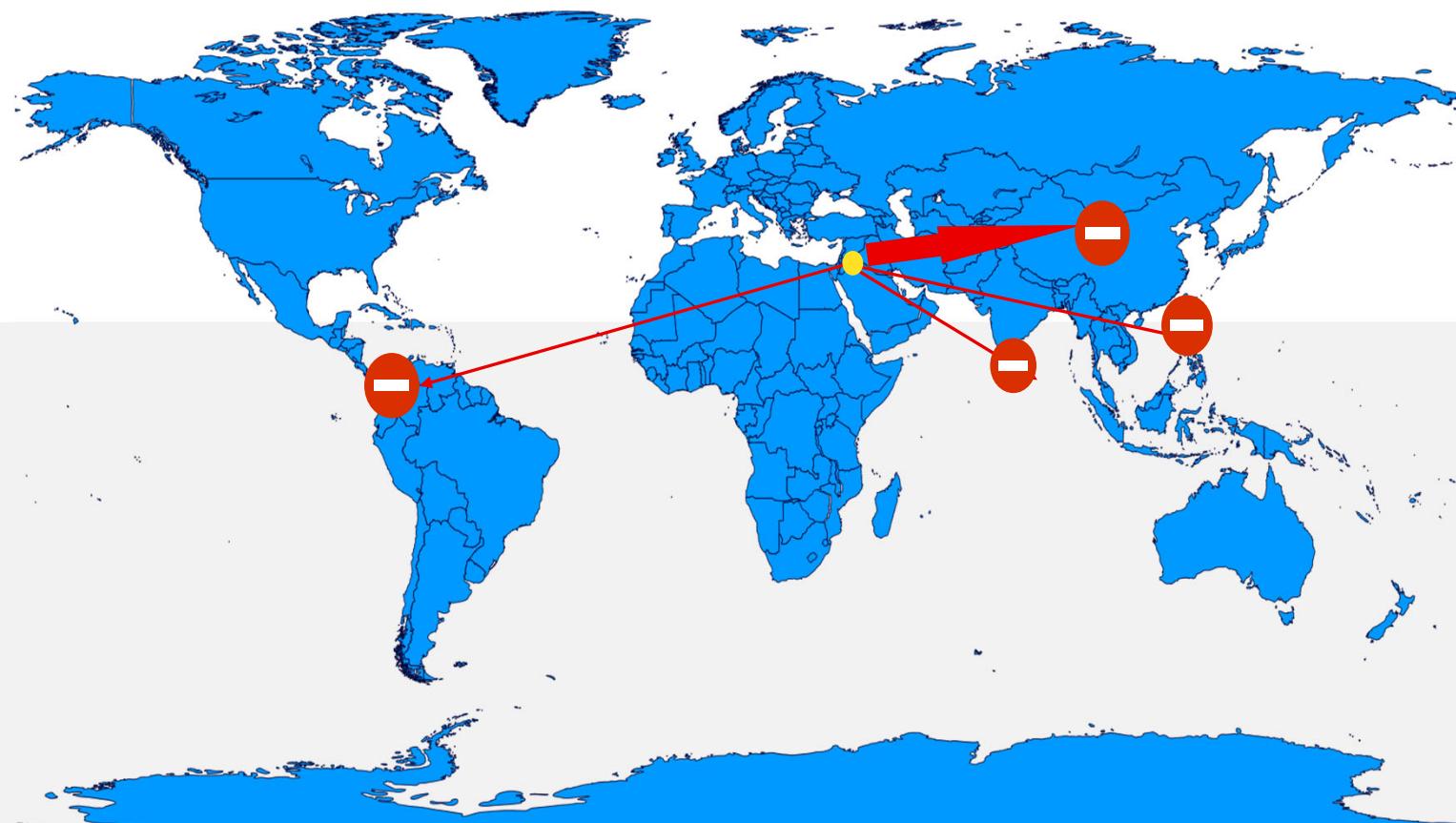
14.12.2008

יום ראשון, י"ז בכסלו תשס"ט

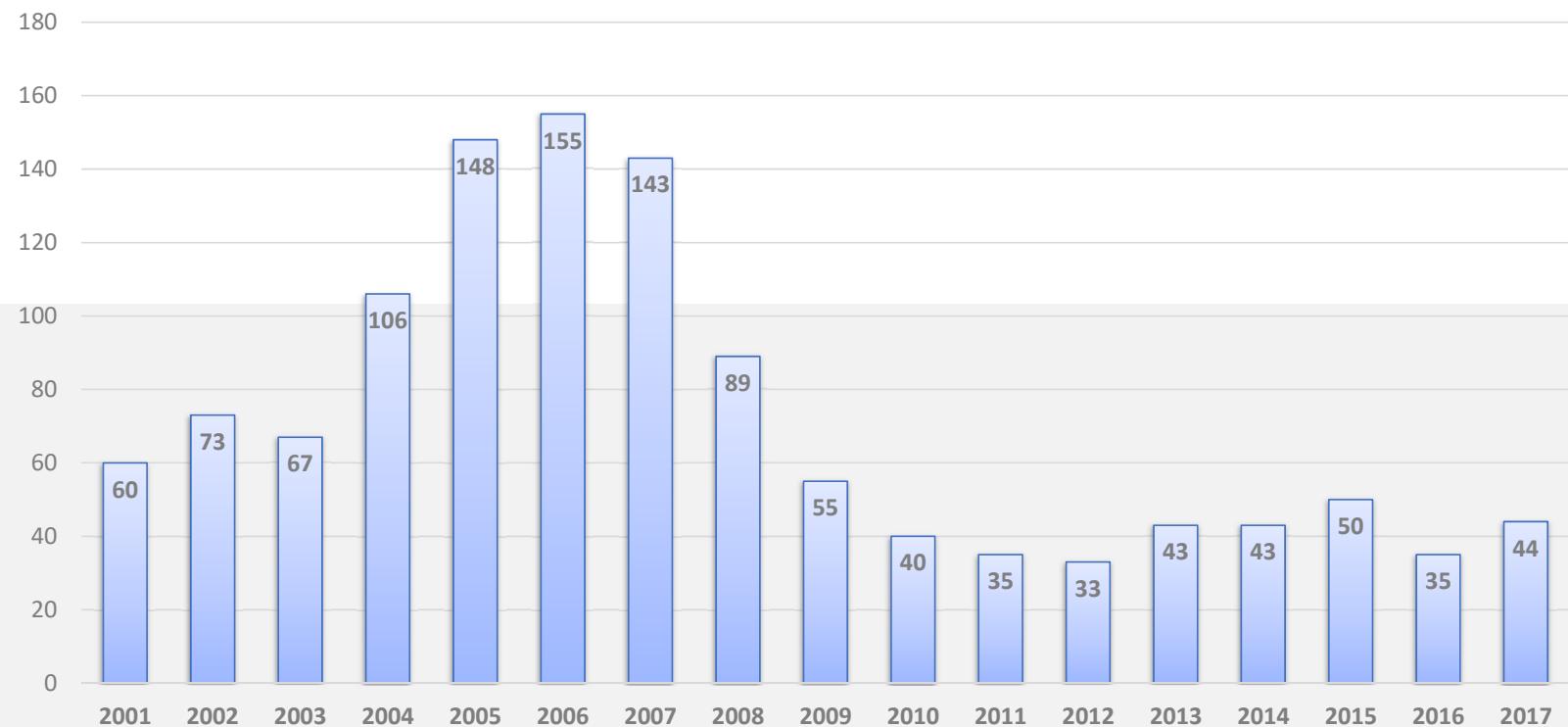


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## Transplant tourism from Israel since 2008



## Kidney transplantations performed abroad



# Increase opting in



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BECOME AN ORGAN DONOR



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## CAUSES OF LOW ORGAN DONATION RATE

- ✓ Reimbursement of transplant tourism by HMOs and insurance companies
- ✓ “Free riding” phenomenon frequent and causing antagonism to donation after death



Illustration



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**The Leviev Heart Center**



רשותות

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חוק מוות מוחי-נשימתי, התשס"ח-2008

- ❖ Incentivize deceased donation
- ❖ Penalize “free riding”

- Candidates for organ transplantation who have been registered as organ donors for at least 3 years prior of being listed will be prioritized during organs allocation

## Organ allocation priority categories

- **Top priority** will be granted to candidates whose first degree relative donated organs after death or have been themselves live kidney or liver-lobe donors;

## Organ allocation priority categories

- **Top priority** will be granted to candidates whose first degree relative donated organs after death or have been themselves live kidney or liver-lobe donors;
- **Second priority** will be granted to candidates who have registered as organ donors at least 3 years prior of being listed;

## ADDITIONAL SCORES FOR ALLOCATION PRIORITY CATEGORIES

	KIDNEY	HEART	LUNG (LAS)	LIVER (MELD)
Candidate's first degree relative donated organ after death or candidate was a live organ donor	3.5	Top of Status 1 or 2 candidacy list	7.5	3.5
Candidate is a registered donor	2	Following previous prioritization category candidates in Status 1 or 2	5	2

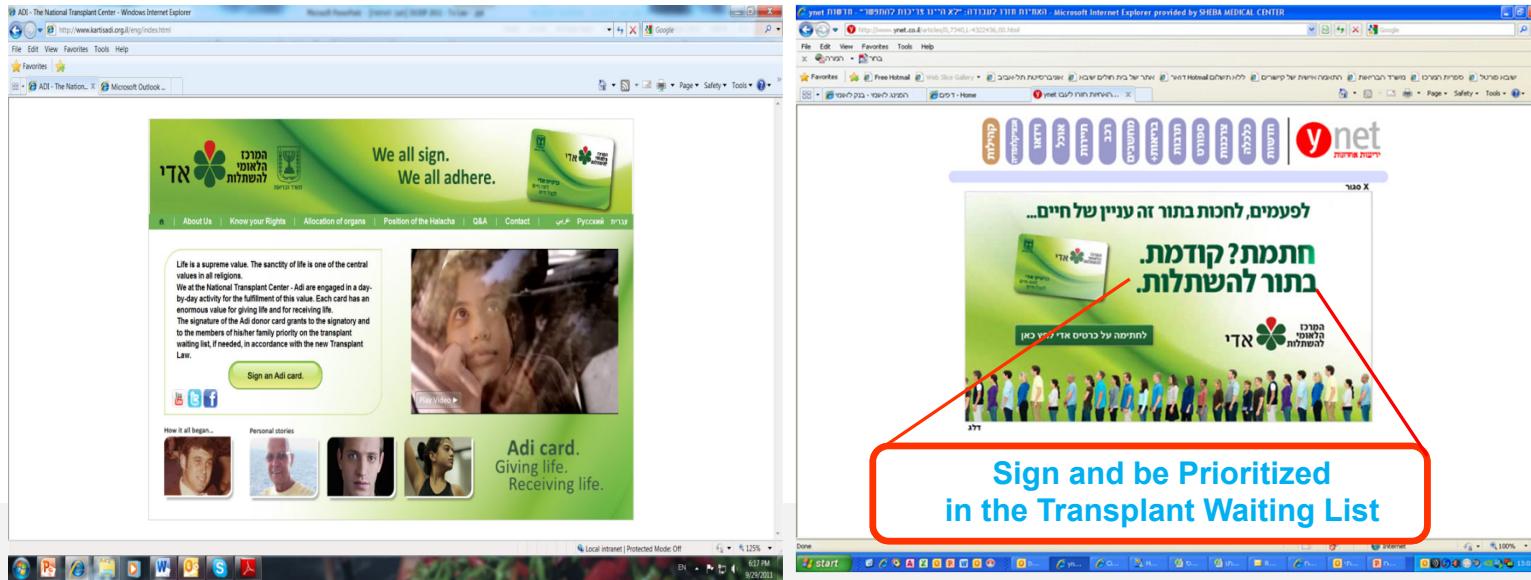
Lavee J et al., Lancet. 2010;375(9720):1131-3

## Further instructions for organs allocation prioritization

- Children younger than 18 years old or legally invalid candidates for the purpose of registering as organ donors will not be included in the prioritization plan and will retain their priority status for organ allocation versus an adult who merits priority

## Further instructions for organs allocation prioritization

- Status 1 candidates for heart or liver transplantation will continue to be given priority for organ allocation as usual, irrespective of their eligibility status on the basis of their new prioritization category
- However, if two such candidates are equally suitable for a donated organ, then the one who qualifies for one of the prioritization categories will be given the organ.



Waiting in line  
is sometimes a  
matter of life.  
Sign the donor  
card and be  
prioritized in  
the waiting list  
for transplant

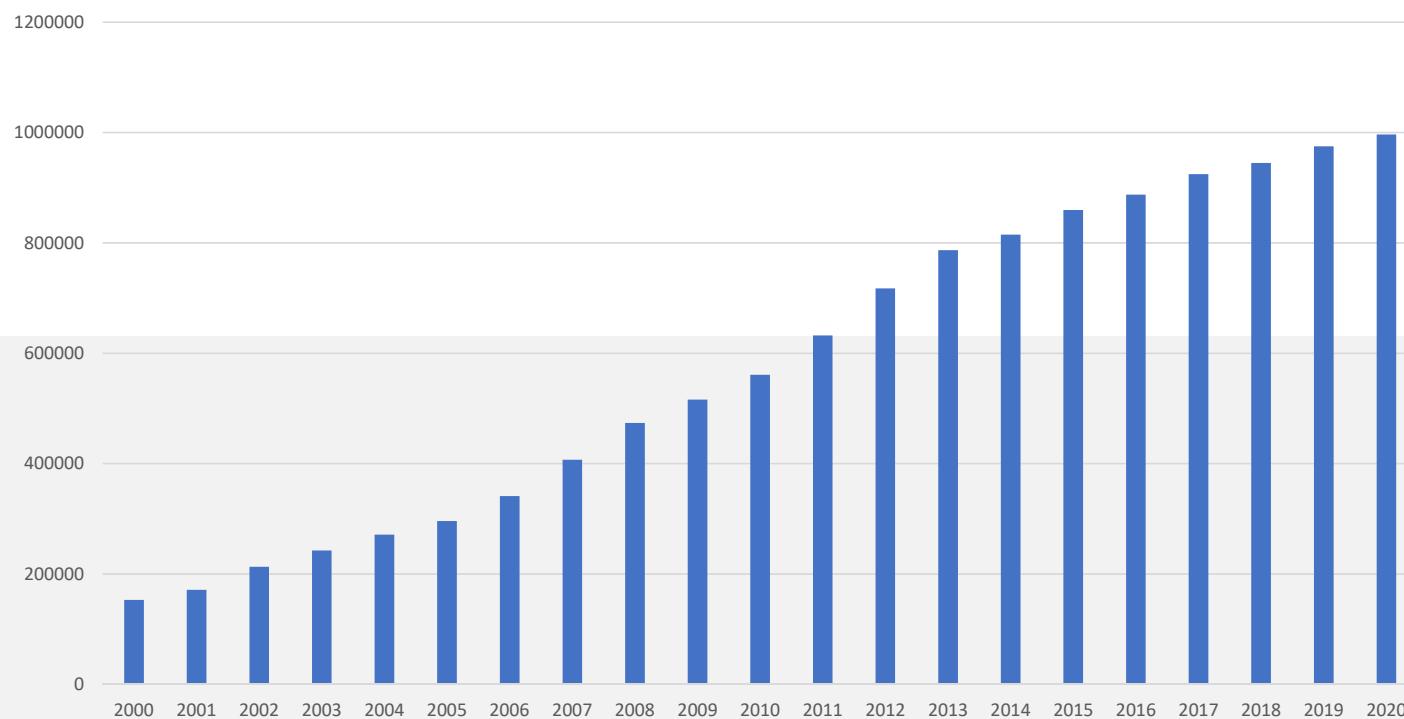


**Waiting in line is sometimes a matter of life.  
Sign the donor card and be prioritized in the waiting list for transplant !**



Sign and be Prioritized  
in Transplant Waiting List  
Call \*6262

## Cumulative number of registered donors



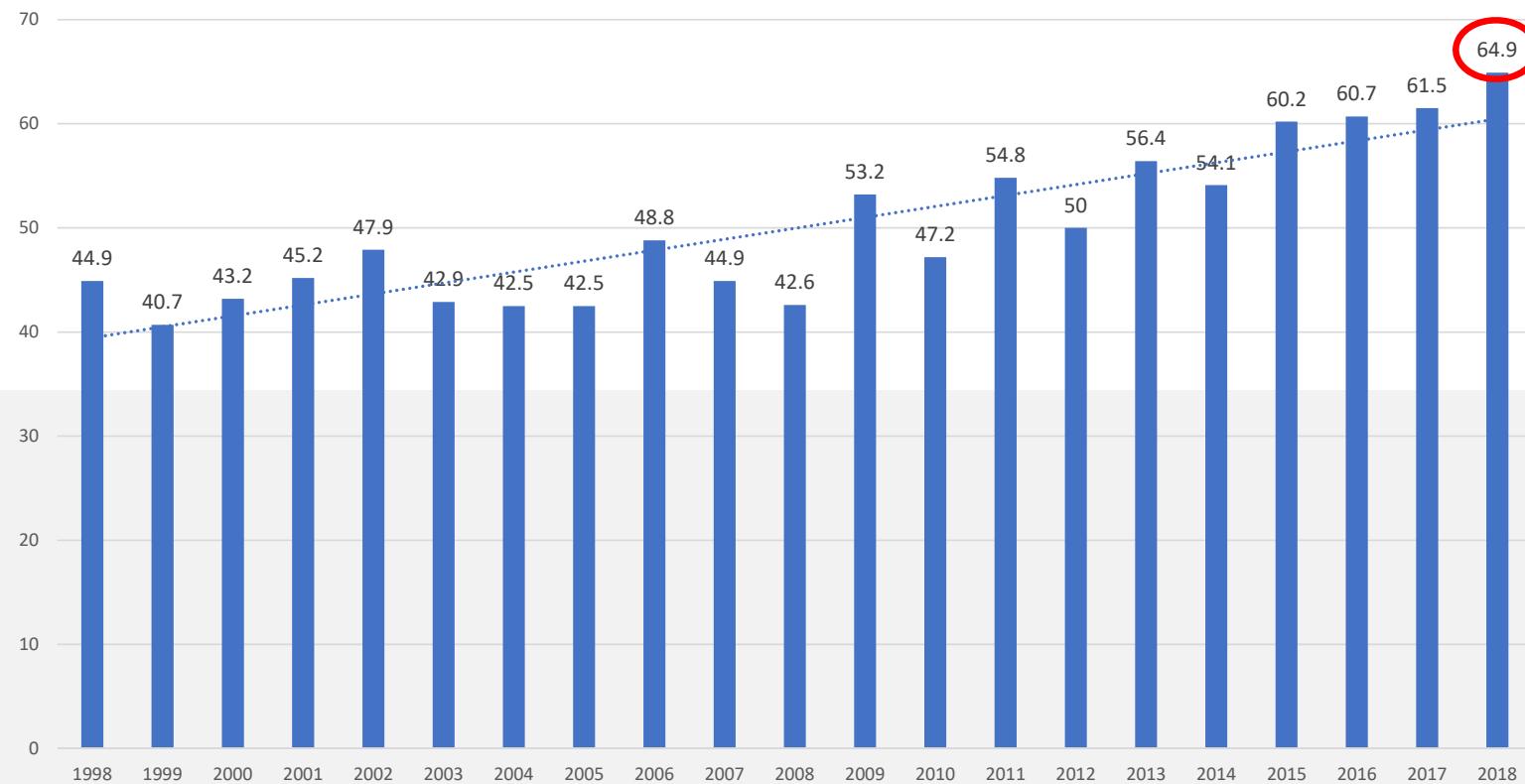
Stoler A, Kessler JB, Ashkenazi T, Roth AE, Lavee J.

Stoler/Lavee. Incentivizing Organ Donor Registrations with Organ Allocation Priority Health Economics 2017;26(4):500-510



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## Organ donation authorization rate (%)



Stoler A, Kessler JB, Ashkenazi T, Roth AE, Lavee J.

Stoler/Lavee. Incentivizing Authorization for Deceased Organ Donation With Organ Allocation Priority: The First 5 Years. Am J Transplant. 2016;16(9):2639-45



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## Reciprocal altruism

- ✓ Each partner helping the other while he helps himself
- ✓ The altruist benefits because in time he is helped in turn”

Lavee J et al., Lancet. 2010;375(9720):1131-3

## New Prioritization Policy

- ✓ Violates the definition of pure altruism which requires no quid pro quo reward.

Lavee J et al., Lancet. 2010;375(9720):1131-3

## New Prioritization Policy

- ✓ Violates the definition of pure altruism which requires no quid pro quo reward.
- ✓ Violates the ideal that medical care should be allocated based on medical need only.

Lavee J et al., Lancet. 2010;375(9720):1131-3

## New Prioritization Policy

- ✓ Most people who sign an organ donor card will never need an organ themselves

Lavee J et al., Lancet. 2010;375(9720):1131-3



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## New Prioritization Policy

- ✓ Most people who sign an organ donor card will never need an organ themselves
- ✓ True believers in the immorality of organ donation after brain death would not be affected by the new law

Lavee J et al., Lancet. 2010;375(9720):1131-3

## New Prioritization Policy

- ✓ If this new policy achieves the goal of obtaining more organs, then it promotes a different goal of medicine which is achievement of maximum health

Lavee J et al., Lancet. 2010;375(9720):1131-3

# Increasing organ donation by presumed consent and allocation priority: Chile

Alejandra Zúñiga-Fajuri<sup>a</sup>

**Abstract** Chile, a middle-income country, recently joined Israel and Singapore as the world's only countries to require reciprocity as a precondition for organ transplantation. The Chilean reform includes opt-out provisions designed to foster donation and priority for organ transplantation for registered people. Although the reform has had serious difficulties in achieving its mission, it can be reviewed by other countries that seek to address the serious shortage of organs. As increased organ donation can substantially enhance or save more lives, the effect on organ availability due to incentives arising from rules of preference should not be underestimated.

Bull World Health Organ 2015;93:199-202

## Conclusions

The implementation of the new Israeli Organ Transplantation Law has resulted in a significant increase in organ transplantations from deceased donors by:

- ✓ Preventing transplant tourism by banning its reimbursement
- ✓ Incentivizing organ donation by prioritizing registered donors

## Take home messages (or argue, if you will...)

- ✓ Reciprocal altruism .... balancing between personal autonomy, “free riding” and societal medical needs.



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## Take home messages (or argue, if you will...)

- ✓ Reciprocal altruism .... balancing between personal autonomy, “free riding” and societal medical needs.
- ✓ People have a right not to register as organ donors – but they should have the courage to bear the consequences of their own conviction.



Thank you for your attention

