Bioethics Research Paper

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**Introduction**

A medical process that involves the removal of an organ from the body of one individual and incorporating it in the body of another individual is known as organ transplantation (Veatch & Ross, 2015). The individual from whom the organ is removed is called donor while the individual who receives the organ is called recipient. There are different scenarios for donors to be donating organs. The donor might be living or dead. The recipient might have needed organ transplantation due to missing or a damaged organ. Most of the times, the recipient and the organ are at the same location. However, numerous cases have been witnessed in which the organ was transported from the location of the donor to the location of the recipient. The organs that have been transplanted successfully so far are heart, lungs, liver, kidneys, pancreas, intestine, and thymus (Veatch & Ross, 2015). Organ transplantation has been taking place all over the world. There have been numerous legislations enacted in countries worldwide aimed at stopping illegal organ transplantation (Veatch & Ross, 2015). The legislations bind healthcare practitioners to follow a code of conduct when it comes to organ transplantation (Veatch & Ross, 2015). This paper will analyze legislation that has been enacted within the United States addressing issues that might arise in organ transplantation. Additionally, any major case involving organ transplantation within the US will be analyzed. In contrast to the legislation regarding organ transplantation and current situation in the US, legislation and current situation regarding organ transplantation in Mexico will be analyzed.

**Discussion**

**Legislation regarding organ transplantation in the USA**

On October 19th, 1984, National Organ Transplant Act (NOTA) was unanimously passed from the US Congress. The law vested powers to the Federal Department of Health and Human Services to develop a clear scheme of property rights for the dead or living donor and the recipient (Board, 2002). This scheme was intended to create federal ethical standards that govern the financial issues surrounding organ transplantation. For instance, the federal ethical standards created under NOTA ensures that the donor might not be exploited or tricked into donating organs, whether living or dead (Board, 2002). The standards ensured that donors get their due share of the money once they have donated the organ (Board, 2002). Furthermore, federal ethical standards ensured that no healthcare practitioner made a profit from the sale and purchase of the organs. Additionally, NOTA directed the government to establish Organ Procurement and Transplantation Network (OPTN). The creation of OPTN was aimed at recognizing the issue of organ procurement and allocation at a national level. Therefore, after the establishment of OPTN, the act of donating and receiving an organ came under the direct supervision of the federal government. The policies under OPTN were developed by taking all major stakeholders associated with organ transplantation on board. The stakeholders in organ transplantation are organ transplant professionals and people, coming from different walks of life, affected by organ transplantation, either positively or negatively. Under the National Organ Transplant Act, illegal sale and purchase of organs have been termed illegal. Individual or corporations founded indulged in illegal organ transplantation would have to pay a hefty fine and spend considerable jail time. The fine for breaking the law stands currently at $ 50,000 and the jail time is 5 years. The courts have been vested authority to impose either the fine, jail time or both.

**State of organ transplantation in the US**

Following are facts and statistics regarding organ transplantation in the US. There are more than 113,000 people registered on the waiting list for the organ transplant in the country in the current year (Organ Donation Statistics, 2019). In the year 2018, there were 36,000 transplants performed in the country (Organ Donation Statistics, 2019). Sadly, each day 20 people die waiting to get an organ transplanted (Organ Donation Statistics, 2019).

**Controversy over organ transplantation in the US**

Despite 36,000 successful transplants in the past year, 20 people are dying each day waiting for an organ transplant. As a result, the laws and policies of NOTA are highly criticized because of the strict nature of organ procurement and allocation. According to several sections of societies, due to the strict nature of the laws, people are not encouraged enough to donate organs and they are not paid well under the law. It is reflected by the number of people on the waiting list which has increased from 23,000 in 1991 to 115,000 in 2017 (Organ Donation Statistics, 2019). In contrast, the donors increased just from 7,000 in the year 1991 to 16,473 in 2017 (Organ Donation Statistics, 2019).

**Legislation, state, controversy, and criticism over organ transplant in Mexico**

There are widespread apprehensions among the citizens over the healthcare implications and financial issues surrounding organ transplantation in Mexico (Jones, Papadopoulos & Randhawa, 2017). There exists a want of culture among the Mexicans to donate organs (Jones, Papadopoulos & Randhawa, 2017). According to the National Transplant Center of Mexico, there are more than 21,000 people registered on the waiting list to get an organ transplanted. The most in-demand organ in Mexico is the kidney with more 12,000 people waiting for it. However, there are not just enough donors in Mexico to cater to the needs of the possible recipients (Jones, Papadopoulos & Randhawa, 2017). Although 7 out of 10 Mexicans deem organ transplants imperative for the possible recipients, there have been numerous instances when family members of recipients refused to donate an organ for saving their life (Juárez, Flores & Hernández, 2018). The number of refusal from family members to consenting for organ transplant stood at 76%.

Mexican authorities have been heavily criticized for in failing to increase the number of donors commensurately with the people on the waiting list. However, Mexican authorities have claimed that they are working hard to encourage more donors (Juárez, Flores & Hernández, 2018).

To counter the criticism from the public, Mexican Senate recently passed "Ley General De Salud” act. This act has given the status of a donor to the individuals over the age of 18 in Mexico once they die (Marván et.al, 2017).

**Conclusion**

Due to strict laws in the USA, there have been no high profile cases involving organ transplant. However, in Mexico, there exists no culture of donating organs despite significant numbers of recipients officially waiting (Marván et.al, 2017). The major difference regarding organ transplant is the people in the US are found to be more willing to donate organs. This might be because donors are paid well by the state. However, on the other side of the border, the authorities have to pass a law declaring persons over the age of 18 years as potential donors once they die. The reason for donors' reluctance might be due to unsafe healthcare practices in place in the health care domain across Mexico.

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