

Prosecutor, LifeBanc settle donor dispute

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Cuyahoga County prosecutors will no longer block attempts by the local organ bank to remove vital organs from people who are off life support but not yet brain dead.

The prosecutor agreed with LifeBanc, the local organ bank, on a plan to allow donations after what is known as cardiac death. The procedure is designed to widen the donor pool in the face of growing demand for organs. It allows doctors to take organs from brain-injured donors after the family decides to withdraw life support and heartbeat and breathing stop, even if brain activity is still evident.

The practice has become commonplace at medical centers across the country. But in Cuyahoga County, prosecutors clashed with LifeBanc for nearly a decade and once threatened to file homicide charges if doctors carried out a previous version of the plan.

Prosecutors had argued that drugs to preserve the organs, injected into patients who were cut off from life support, could bring about premature death. They also said the practice would violate Ohio's death statute, which declares brain death a legal standard.

But Prosecutor Bill Mason in August wrote a legal opinion endorsing a revised protocol. The new plan does not include the use of heparin, a blood thinner that helps preserve organs. Prosecutors had believed heparin could hasten death in patients with traumatic injuries, said Assistant Prosecutor Bob Coury.

The opinion did not address earlier concerns about the death statute, but Coury acknowledged the interpretation has evolved. Mason wrote that when a patient is taken off a ventilator, a doctor can pronounce death "upon finding that the patient has sustained irreversible cessation of circulatory and respiratory functions."

Coury said prosecutors wanted LifeBanc to require a five-minute wait after the heart stops to be sure it won't start again.

LifeBanc quietly unveiled the new plan several months ago. Hospitals are now developing their own policies for donations after cardiac death, but there have been none in Cuyahoga County so far, said Chuck Heald, a spokesman for LifeBanc. Three cardiac death donations took place in Akron last year, he said.

The agency says 2,500 Ohioans and nearly 100,000 people nationally are on transplant waiting lists. Nationally, about 700 cardiac-death donations took place last year, LifeBanc said.

Dr. Robert Schilz, medical director of lung transplantation at University Hospitals Case Medical Center, said the government is encouraging hospitals to adopt cardiac-death donation policies.

Gordon Bowen, executive director of LifeBanc, said that despite controversies, the group continued to talk with prosecutors on an agreement.

"However they wanted to word it, we put it in our protocol," Bowen said. "We're excited about it. We're probably the only major city in the United States that has not allowed this to happen.

"We need to move forward and help save some more lives."