

NHS reforms could mean more patients seeking treatment abroad, warn experts

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Spain's excellent record on organ donation rates has nothing to do with its presumed consent legislation, say experts in an article published in the British Medical Journal today.

Professor John Fabre, from the Department of [Hepatology](#) and Transplantation at King's College London, Paul Murphy from the Department of Neuroanaesthesia and [Critical Care](#) at the Leeds General Infirmary, and Rafael Matesanz from the Organizacion Nacional de Trasplantes in Madrid say that the Spanish example shows that higher rates can be achieved without presumed consent.

Spain has the world's highest rate of deceased [organ donation](#) – two and half times higher than the UK. Presumed legislation was introduced in Spain in 1979.

However, the authors argue that this legislation is largely inactive – they say "crucially, Spain does not have an opt-out register for those who do not wish to become organ donors ... not a penny is spent on recording objections to organ donation by Spanish citizens, nor on public awareness of the 1979 legislation, the presumed consent law in Spain is dormant."

Numerous individuals and organisations have called for the introduction of presumed consent legislation in the UK on the assumption that this will increase organ donation rates, say the authors. They believe this is a mistake and add that "Spain's outstanding deceased organ donor rate

cannot reasonably be attributed to its presumed consent laws."

It would be far better to look at the special characteristics of the Spanish system, they argue.

Each procurement hospital has a [transplant](#) coordinator, these individuals are specially trained, most are intensive care doctors and they only work on organ donation on a part-time basis. This means that they can be appointed even at hospitals with a low likelihood of donors and their daily work is carried out where most donors are likely to arise – the intensive care unit.

Spain has approximately three times as many intensive care beds per million of population as the UK. This might influence admission policies to [intensive care](#) units, and also end-of-life care policies, both of which can potentially influence organ donation rates.

They highlight the importance of the role of the family and say the family's wishes regarding organ donation must be accepted, as they are in Spain.

They conclude that "advocates of presumed consent often cite the Spanish organ donation system as an example of the success of presumed consent legislation ... in fact, what Spain has shown is that the highest levels of organ donation can be obtained while respecting the autonomy of the individual and family, and without presumed consent."

Provided by British Medical Journal

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