

Ethicist urges tax credits to spur organ donation

Tax credit idea is part of two-pronged proposal to increase the number of organs for transplant

Montreal, Quebec – June 3 – A Université de Montréal philosopher and ethicist is proposing that governments implement an organ donation tax credit to help increase the number of organs available for transplant.

Jurgen De Wispelaere is a visiting fellow with the university's Centre for Ethics Research, generally known by its French-language acronym, CRÉUM. In a paper presented at the 2010 Congress of the Humanities and Social Sciences taking place this week at Montreal's Concordia University, he says public policy needs to address the serious shortage of organs available for transplant.

De Wispelaere says that on average, about 50 per cent of all potentially available organs are not used because families refuse to provide consent at time of death, or families can't be contacted in time, or because medical personnel decline to remove the organs because consent is not clear. (Note: De Wispelaere's figures are not specific to Canada and are obtained from surveying international literature on the issue. The research also does not differentiate between donor consent procedures in different jurisdictions)

For example, he says that even though a person may have signed an organ donor card or registry, families may argue that the consent was given years ago and the person about to die had changed his or her mind. Because of the emotional factors surrounding the death of a loved one, says De Wispelaere, medical authorities are generally reluctant to pressure families to consent to organ donation.

De Wispelaere says there's a tremendous social benefit to organ transplants, since it increases the quality of life of people who are then able to return to active life. He says governments are right to want to encourage organ donation.

He says that up to now, governments have generally tried to encourage people to be donors, but that idea has gone as far as it can go. He says that the best way to increase the number of organs available for transplant is to work with the families. De Wispelaere proposes a two-pronged approach.

First of all, he proposes beefing up the organ donor registry system by creating what he calls a 'second consenter.' A person who wants to donate organs would, well in advance of death or illness, name a person to act as his or her 'second consenter.'

De Wispelaere says naming a second consenter – a spouse, next-of-kin or even family friend – would allow families to openly discuss organ donation at a less emotional time. When death was imminent, the second consenter would be able to vouch for the donor's wishes.

This, he says, would almost certainly increase the number of organs available. "The donor would have a living advocate who could say, 'Yes, we had a discussion about this, and I can assure you that the person really wanted to go ahead'," says De Wispelaere. "We think this reduces the stress on the family."

He also says doctors will be more likely to proceed in cases when the family can't be reached in time if they know a second consenter can vouch for the donor's intentions.

The second – and more controversial – aspect of his approach involves creating an incentive for second consenters not to change their minds or back out of their commitment. De Wispelaere proposes that this be done by getting governments to create organ transplant tax credit programs. A person who agrees to be a second conserter would be entitled to a tax credit after the donor’s death.

De Wispelaere says he realizes this idea is “problematic,” but he is adamant that a tax credit does not amount to selling organs. Most countries use tax credits to encourage behaviour that’s socially beneficial, says De Wispelaere, citing child benefits as an example. He says an organ donation tax credit is merely an extension of the concept.

He says the second conserter would get the tax credit whether the organs are used for transplant or not. The purpose of the tax credit would be to provide incentive for people to become second consenters – and to not change their mind when the potential donor dies.

He does not put a dollar figure on his proposed organ donation tax credit, but expects it would be a relatively small – almost symbolic – amount.

De Wispelaere says governments would get best results by implementing both parts of his proposal. But he says they could, if they were concerned about the tax credit, increase the number of donors simply by creating ‘second consenters.’

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Ryan Saxby Hill

Media Relations

Canadian Federation for the Humanities and Social Sciences

media@fedcan.ca

613-894-7635 (mobile)

514-848-2424 ext. 5023 (media room)

