



Pathology Biology Section – 2009

G33 Recovery of Transplantable Organs After Cardiac Arrest in France

Nathalie Jousset, MD, Arnaud Gaudin, MD, Damien Mauillon, MD, and Clotilde G. Rougé-Maillart, MD, CHU, Service de Médecine Légale, 4 rue Larrey, Angers, 49000, FRANCE*

After attending this presentation, attendees see an explanation of French legislation and summarize ethical problems linked to transplantation of organs coming from non-heart beating donors (NHBD).

This presentation will impact the forensic community by comparing situations, legislation, ethical problems, between countries concerning NHBD transplantation.

After being abandoned around the end of the 1960s, the transplantation of an allograft recovered after cardiac arrest has been resumed again in France in 2006 (decree of 2 August 2005: art R.1232- 4-1,2 and 3 of the public health code).

Recently, according to the international scale, five situations that could lead to the recovery of transplantable organs after cardiac arrest were identified according to a classification called "Maastricht" which describes the potential donors. In France, the donors of class III (cessation of all medical care) were excluded.

To achieve an effective transplantation, the donor has to be legally dead in the eyes of the law, and the organs still viable medically. A legal definition of death, in the purpose of the recovery of the transplantable organs of the "dead" donors comes up against this contradiction.

In front of this issue, certain countries recommend against giving a legal definition of the death criteria. It is not the orientation chosen by France that continues to attempt to define a legal framework in order to obtain the society acceptance of the recovery of transplantable organs of "dead" donors.

Despite this, ethical questions arise. Are criteria adopted to define death enough? What is the place of non-heart beating donor transplantation with new technical resuscitation as extracorporeal life support for prolonged cardiac arrest? How does family and medical staff support this protocol?

Non-Heart Beating Donors, Legislation, Ethical Reflection