

He Needs Her Kidney, She Desires His Wealth

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ABSTRACT

A man living in Taiwan has had diabetes for 15 years. It led to chronic renal failure which required kidney dialysis. Dialysis had deeply affected his quality of life including his sex life, therefore causing much anguish and he constantly desired to have a kidney transplant. Recently, his wife passed away, leaving him with his four children. Only the blood types of two sons matched his for a kidney transplant, type O and A, but they were reluctant to go through with the surgery. His daughter didn't want have a kidney transplant with her father because she was afraid of accidents during surgery. Still, this patient wanted to change his current quality of life and end dialysis treatment, to which his doctors approved. The man eventually found a woman willing to do a kidney transplant for him and even have a false marriage of a year. Did the couple get married with love as its basis, or was it just supply and demand to exchange a kidney for wealth? In order to receive payment for her kidney. This manner of kidney transplant is legal and also abides by transplant criteria, the patient's values exceed social justice in the scope of medical ethics, Is this situation comply with the range of medical ethics? Does transplantation of the law defect? It be worth discussing.

Keywords

Kidney transplant, Ethic decision making, Transplant rules.

Introduction

Taiwan Organ Registry and Sharing Center [1] in December 2019 statistics show that there are 7489 people waiting for kidney transplants but there are 375 donors only, of these 247 (0.32%) kidneys transplant procedure were performed that reflecting the local problem of poor organ donation rates. Kidney transplant survival rate higher than hemodialysis [2]. The Government has been making continuous efforts to promote organ donation. However, there is a considerable shortfall of organs available for transplantation, which cannot meet the needs of all patients with end stage kidney failure who need renal replacement therapy. Therefore, waitlist patients who were waiting for the decreased donor organs often pass away without getting a successful match after waiting for some days, and even some of them several months. Lai [3]. long-term survival rates for kidney transplant recipients have not improved, as about 40 percent of transplants fail within ten years of transplant.

Government and the healthcare professionals have to strive for

increasing the source of organs, allocate fairly and effectively under the limited resources. The reasons for poor brain-dead organ donation rates in Taiwan including insufficient government promotion, people have not yet accepted the concept of organ donation, still retain the traditional concept about keeping whole dead body, and lack of judgment on brain death. There is lack of legislative norms for organ transplantation in Taiwan, weak rule of law, weak law enforcement, and arguments against organs from executed prisoners still exists [4]. Because organ donation rate is too low, dialysis patients become more aggressive to save themselves. They seek the living body donation at home country and abroad. They make a dual contract for legal donation but purchase organs actually.

This article exposes the contradictions of human nature. When the case and his family are facing the dilemma of kidney transplantation, they seek organs outside the relative within fifth degree of relationship and how to make the organ transplant comply with the regulation about 'The recipient should be restricted to no more than fifth degree of kinship'. Only by marriage can full fill the regulations requirement. We use the four topics approach to discuss the ethical dilemma.

Jonsen, Siegler, & Winslads [5] believe that the organ distribution system is important to comply with the following principles

- Avoid violating the social values: such as pull some strings or wasting organs
- Medical personnel and related practitioners should recognize that organs are beneficial to individual cases
- This is an urgent need: if you don't get a kidney transplant, you may die.
- Avoid discriminatory treatment based on gender, race, and social status:
- The whole process of organ allocation is open and transparent: avoid private operation [6]
- If a bigwigs' son needs dialysis having a kidney transplant being higher priority than other patients, it will cause public resentment.

In Taiwan, the allocation of kidney transplantation is based on divisional allocation, and the absolute and relative factors are the blood-type matching, no HLA (Human leukocyte antigen) mismatch, the waitlist patients in Organ procurement organizations have higher priority than the non-organ procurement organizations, "donor hospitals", human leukocyte antigen matching were given the highest priority. The score of age would be the second priority. The score of waiting time would be the third priority. The last one would be the donor hospital refers the recipient by the prognosis-oriented approach. Therefore, under the prognosis-oriented approach, the current waitlist order is not to be considered.

Study purpose

The ethical imperative of self-care, explore the case with a clinical ethical situation of kidney transplantation, then discussion about obtaining organ legally but unethically.

Methods

This was an in-depth qualitative study. A semi-structured interview for data collection. The data obtained by the researcher from first-hand observation and in-depth interviews with informed consent. The researcher followed up the case for 2 years, and conduct a total of 6 interviews. In addition, the case's daughter had been interviewed once and the case's new girlfriend had been interviewed once too. This study applies Jonsen, Siegler, & Winslad [5]. Four Topics Approach as a Framework for Clinical Ethics Consultation (medical indications, patient preferences, quality of life, and contextual features) to evaluate its ethical decisions

Result

Clinical case scenarios

A researcher interviews a dialysis patient about his daily life conditions. Mr. Xie has been undergoing kidney dialysis for 3 months, three times a week. He is very painful and fatigue due to dialysis. He wants to have a kidney transplant, and complains all day long that the government policy restricts his chances of having a kidney transplant.

Mr Xie said: "*He has registered in medical center but he heard that several patients are getting on the waitlist. There are 100,000*

people undergoing dialysis in the medical center. The center has 200 dialysis beds."

"I have registered at the medical center, I'm afraid. I still cannot for the donor organ, even passed away without getting a successful match. Young people have the first priority. Taiwan is so bad right now. If there was a living kidney, a rich man can purchase it so that he was able to live. However, the Taiwan government does not allow to buy a kidney, it's illegal."

After two months Mr. Xie got a new girlfriend. He doesn't feel that it is not unethical to buy a kidney for his transplant surgery. External conditions and the processes are complied with transplant regulations. His doctor also agreed with him.

But his daughter did not. "*I don't agree. I don't agree with him to have kidney transplant. If there was an incident and lost life, I couldn't accept. I wouldn't sign consent for my father. He asked another three sons to sign, and nobody would sign for him. They also said that the person (referring to the new mother) only wanted his money. ID card has not yet registered. The property could not be shared half with her.*"

His daughter said "*I don't agree with the kidney transplant. In the first month following kidney transplant he must be very careful not getting a cold. He can't go outside. He said that kidney dialysis is very painful, he needs to adjust himself, he needs to face with the challenge, and he needs to overcome it. No one like him that hate dialysis, I also introduce my colleague's father to him. My colleague's father need dialysis to prolongs life also but he doesn't want kidney transplant*". His daughter concern with him but not agree with him to change kidney. She is afraid of the accident occur. In addition, she doubts whether the property of his father need to be divided to the step mother. Can a client marry with someone woman, she must premise give a kidney to a client for transplant?

Situational Analysis

This study applies Jonsen, Siegler, & Winslad [5] Four Topics Approach as a Framework for Clinical Ethics Consultation to comprehensively examine and understand the ethical dilemma of the case, each aspect is presented and close to the facts of the case.

Medical Indications

It is obvious that dialysis can slow down the progression of the illness, but the patient is unacceptable and dissatisfied with the physical and mental discomfort after dialysis. His reason as follows:

Disease condition

He has suffered from diabetes mellitus 15 years that is the causes of his kidney failure. There are dialysis-related causes of fatigue and psychosocial distress. Which may be amenable to intervention. One day, he went to dialysis center alone. He fell down in the corridor. Luckily the medical personnel saved on time. In case he feels dizziness, the nurse suggested him to get

out of bed slowly, or be accompanied by family members for dialysis or escorted by a care worker and also take care of him for half a day after going home, so as to provide psychological support to the patient

Treatment - kidney transplantation is the best way to improve the quality of life for uremia patients.

Mr Xie determined to have a kidney transplant and went to the hospital with his girlfriend. The match results as follows:

The doctor said that most of the cases were accidents, may be accidental death at midnight, and the doctor was listless to perform surgery at midnight. We arrange an operation at the daytime that have more support by all aspects. Furthermore, my health conditions get better now. The doctor has checked that her blood type and mine are same. Just only my blood pressure is relatively high, I have to well control my diabetes mellitus! blood sugar and blood pressure need to control too.'

Mr Xie has his own thoughts about medical treatment and the match criteria. He has decided to have a kidney transplant, but only the source of the living kidney is changed from a family member to his girlfriend!

Quality of life

Mr. Xie was very dissatisfied with the quality of life during long-term dialysis especially sex life. He said *"You know how terrify dialysis is, I can't even walk after the treatment... dizzy. I want to have kidney transplant in mainland China.' 'I hope to get well soon. Wealth is nothing without health. I worked hard when I were young. At this moment I got sick but money is useless. '05/05*

"I am very upset in the days of kidney dialysis and I feel uncomfortable, and waiting for a kidney transplant is hopeless! "... "I feel sick! And I'm only 59 years old. I have no sexual ability after kidney dialysis, and even though the sexual worker reject me. I'm really unhappy at all." '05/05

He thinks that his quality of life is not good at all. In his cognition on the Taiwan Organ Allocation Regulations and the environment, He doesn't have change to undergo kidney transplantation surgery, dialysis is the best treatment for him presently.

Medical professionals encourage him to join the renal support association that he can make friends with other renal diseases patients and also ask him to wait for kidney transplant opportunity patiently.

Personal Reference

In this case, Mr. Xie is conscious to make decision that any legal representative consent prior the medical treatment is not necessary.

Mr Xie always want to change a kidney, but his relative reject to donate a kidney to him. At the moment he found a girlfriend who will marry him. They also compromise to go to have blood test in

hospital. In case their blood and other criteria match. He will give her TW\$1,500,000 once he has undergone the surgery successfully with using her donated organ after 1 year of their marriage. The researcher want to understand why the lady give her kidney to him.

The interview as follows:-

Woman: *"I think there are binding force between two people, and I think he is my destiny. It was fate that brought him to me. I donate a kidney to him that is no harm for my daily living. Anyway, I still think if his son could give him, it would be better because they have direct relationship. However, his son will not donate to him!" (8/18 interview).*

Mr Xie said *"My second child asked me for 3 million in case he donate his kidney to me. He also did not agree with my organ transplant idea. He was afraid of the new step mother would kill me for getting my money. In case she killed me, she could get half of my wealth. I think that she earns TW\$30,000 monthly and also is a high school graduate, she is well educated. she would kill me? It is impossible, she even needs to remove a kidney. "...*

"My eldest boy said it is fine that I change or I do not change. My third child has no opinion, but the daughter said not to change it!" (Interview on 8/18)

Contextual Features

Mr Xie was dating a woman who is O blood type, He planned to have kidney transplant after 1 year marriage that fulfill the human donate Transplant law, Article 8(2)

Researcher want to know what his girlfriend thinks, her statement as follows:

Mr Xie's girlfriend said *"My daughter said that as long as it has no harm for my body, she can accept. He lost hope on the national organ transplant wait list, even passed away without getting a successful match. I still hope that his son would donate a kidney to him!" (Interview on 8/18)*

His girlfriend revealed that she was available to donate and she also hoped that his son would also provide him a kidney. Through her vague statement, we could make out what she really meant.

After one month, his most trusted relative- his daughter said. *"I don't agree. I don't agree with him to have kidney transplant. If there was an incident and lost life, I couldn't accept. I wouldn't sign consent for my father. He asked three sons to sign, and nobody would sign for him. They also said that the person (referring to the new mother) wanted his money only. ID card has not yet registered. The property could not be shared half with her."*

"I don't agree with the kidney transplant. In the first month following kidney transplant my father will be very careful not getting a cold. He can't go outside. He said that kidney dialysis is very painful, he needs to adjust himself, he needs to face with the challenge, and he needs to overcome it. No one like him that hate dialysis....."

Daughter said *"My father has been cheated. The woman doesn't give my dad a kidney because the money hasn't been banked into her account yet and the marriage contract was not signed. She is yelling to leave now! It's okay to leave. It is good about her leaving, in case kidney transplant surgery is unsuccessful, he may die immediately...."* (Interview 9/20).

Discussion

Patients with chronic renal failure has a negative impact on health, poor quality of life and make them feel uncomfortable. Kidney transplantation is an opportunity to resume health, freedom and independent living ability. Therefore, kidney transplantation will improve the quality of life. The client wants to have a living kidney transplant in Taiwan. The source of the donate kidney come from the new girlfriend not from his family member. As the source of the kidney does not meet the requirements of the fifth-degree relative in Taiwan, he plans to get married for the source of kidney become legal. Is it work?

After the case was evaluated with the four topics approach of clinical ethical. The case wants to improve his quality of life by a kidney transplant. Base on the human donate Transplant law, Article 8(2), Mr. Xie plans to get marry with his new girlfriend for kidney transplant purpose. They have blood type and antigen match successfully.

Finally, under the pressure of time, their marriage looks like a trade because they not love each other. Only two months ambiguous relationship gradually becomes clearer. No secret could be hidden. The motives of marriage are not enough to maintain the relationship lifelong. The have got married secretly but have not registered in the official government office.

For the money, the woman disappeared after getting the first deposit. Organ trade has been banned by the European Union, "the World Health Organization prohibits the trade in organs and removing organs from living donors without valid consent" [7], the WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation and the World Medical Association Statement on Organ Transplantation. As the ethicist William May said: "If I paid for the Nobel Prize, then I tarnished the Nobel Prize's name, . . . If I trade children, I were not suitable to be parent." If I betrayed myself, I lose my dignity as a human being." Is it appropriate that the quality of personal life takes precedence over social justice?

Mr Xie got married for kidney transplant is legal in this case. However, it is not ethical. Just like the ethicist William May (William May) said that everyone should love themselves, but we cannot hurt others or betray ourselves.

Conclusion

We are afraid of organ donation is hidden "supply" and "demand" like commercial trading. If demand is existing, with the money reward, potential supply by the illegal organ-trafficking networks will also exist. Is it can be prevented by law? The human donates

Transplant act, Article 8(2) mentions: ' those who is diagnosed as requiring an organ transplant by a physician after being married for one year'. According to this law, couples who have been married for one year in need of organ transplants can donate organs to each other. It is easy for having fake marriages and real sales of organs under the current law. Unless the hospital ethics committee can assess the understanding level of the couple could be review, otherwise it will attract the illegal organ-trafficking networks to strive for this huge business opportunity. Under the precise division of the illegal organ-trafficking networks illegal organ criminal would be very serious. The harmful to the society is higher than the burden of the organ requester.

The trust and love among people are completely destroyed? Whether the society become suspicious, indifferent and use of each other? The warmth, love and kindness of the human being will gradually disappear because of "quick benefit". No one wants to see such condition, so the bad laws need to be amended. Medical ethics decision-making is "Personal Reference". When the patient expresses that his life is very poor and wants to have a kidney transplant. Furthermore, all his children object, no one can stop the case to having a kidney transplant. The researcher asked Mr Xie, "Does the he really love this new partner?", he is thoughtful without answering, testing their relationship that won't end well. However, the functions of the hospital ethics committee include ethics consultation, assisting the case to understand policies and education [8] the hospital ethics committee members seem to have no further understanding of this case or provide any consultation services. It is recommended that the hospital Ethics committee members and medical staff should assist the patient in clarifying his doubt and discussing the value and meaning of life.

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