

പതിനാലാം കേരള നിയമസഭ

നാലാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.279

27.02.2017- ൽ മറുപടിയ്ക്ക്

അവയവദാനം

ചോദ്യം

ശ്രീ.പി.കെ.ബഷീർ :

മറുപടി

ശ്രീമതി.കെ.കെ.ശൈലജ ടീച്ചർ

(ആരോഗ്യവും സാമൂഹ്യനീതിയും വകുപ്പുമന്ത്രി)

(എ) സംസ്ഥാനത്ത് അവയവദാനം പ്രോത്സാഹിപ്പിക്കാൻ എന്തെല്ലാം നടപടി സ്വീകരിച്ചിട്ടുണ്ട്; വിശദമാക്കുമോ;

(എ) മസ്തിഷ്ക മരണാനന്തര അവയവദാന പദ്ധതി പ്രോത്സാഹിപ്പിക്കുന്നതിനായി കേരള സർക്കാർ ആരോഗ്യ കുടുംബക്ഷേമ വകുപ്പിൻ കീഴിൽ കേരള നെറ്റ് വർക്ക് ഫോർ ഓർഗൻ ഷെയറിംഗ് (KNOS) പദ്ധതിയ്ക്ക് രൂപം നൽകുകയുണ്ടായി. KNOS ന്റെ ആഭിമുഖ്യത്തിൽ കേരളത്തിലുടനീളം ബോധവൽക്കരണ ക്ലാസ്സുകളും സെമിനാറുകളും ശില്പശാലകളും സംഘടിപ്പിക്കാറുണ്ട്. അവയവദാനത്തിന് താല്പര്യമുള്ളവർക്കായി ഡോണർ കാർഡ് വിതരണം ചെയ്യുകയും വിവിധ മേളകളിൽ വച്ച് അവയവദാന സമ്മതപത്ര വിതരണവും നടത്തിവരുന്നു. പ്രശസ്ത സിനിമാ താരം പത്മശ്രീ. മോഹൻലാൽ മസ്തിഷ്ക മരണാനന്തര അവയവദാന പദ്ധതിയുടെ ഗുഡ് വിൽ അംബാസിഡർ ആയി നിയമിക്കപ്പെട്ടിട്ടുണ്ട്. കൂടാതെ നേത്രദാനത്തിന്റെ മഹത്വം ബോധ്യപ്പെടുത്തുന്നതിനായി 'സുനയനം' എന്ന ടെലി ഓഫ്ലാൽമോളജി യൂണിറ്റ് പ്രവർത്തിപ്പിച്ച് വരുന്നുണ്ട്.

(ബി) അവയവദാനത്തിന്റെ പേരിൽ ഇപ്പോൾ പല ആശുപത്രികളും കേന്ദ്രീകരിച്ച് വലിയ തട്ടിപ്പ് നടക്കുന്നു എന്ന വസ്തുത ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ ;

(ബി) ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല.

(സി) ചില ആശുപത്രികൾ അവയവ കച്ചവട കേന്ദ്രങ്ങളായി മാറുന്ന അവസ്ഥ ഇല്ലാതാക്കുവാൻ എന്ത് നടപടിയാണ് സ്വീകരിക്കുവാൻ ഉദ്ദേശിക്കുന്നത്; വിശദാംശം നൽകുമോ;


(സി) നിരവധി ഇത്തരത്തിലുള്ള അവസ്ഥ ശ്രദ്ധയിൽ പെട്ടിട്ടില്ല. പരാതികൾ ലഭിക്കുകയാണെങ്കിൽ അത്തരം ആശുപത്രികൾക്കെതിരെ ലൈസൻസ് റദ്ദാക്കുന്നതുൾപ്പെടെയുള്ള കർശന നടപടികൾ സ്വീകരിക്കുന്നതാണ്.

(ഡി) നിലവിൽ ഒരു രോഗിക്ക് മസ്തിഷ്ക മരണം സംഭവിച്ചു എന്ന് സ്ഥിരീകരിക്കാനും മറ്റ് നടപടി ക്രമങ്ങൾക്കുമായി എന്തെല്ലാം നടപടി സ്വീകരിക്കേണ്ടതായിട്ടുണ്ട്. വ്യക്തമാക്കുമോ.

(ഡി) മസ്തിഷ്കമരണം സ്ഥിരീകരിക്കുന്നതിനായുള്ള മാർഗ്ഗനിർദ്ദേശങ്ങൾ സ.ഉ.(എം.എസ്)36/2012/ ആക്വ തീയതി 04.02.2012 പ്രകാരവും സ.ഉ.(എം.എസ്)നം.16/2017/ ആക്വ തീയതി 01.02.2017 പ്രകാരവും പുറപ്പെടുവിച്ചിട്ടുണ്ട്. (പകർപ്പുകൾ അനുബന്ധമായി ചേർത്തിരിക്കുന്നു)

(ഇ) അവയവ കച്ചവട കേന്ദ്രങ്ങളായി മാറുന്ന ആശുപത്രികൾക്കെതിരെ ലൈസൻസ് റദ്ദാക്കുന്നതുൾപ്പെടെയുള്ള നടപടികൾ സ്വീകരിക്കുമോയെന്ന് വ്യക്തമാക്കുമോ?

(ഇ) അപ്രകാരമുള്ള പരാതികൾ ലഭിക്കുന്ന പക്ഷം ലൈസൻസ് റദ്ദാക്കുന്നതുൾപ്പെടെയുള്ള നടപടികൾ സ്വീകരിക്കുന്നതാണ്.


സെക്ഷൻ ഓഫീസർ

2432
4/2/17



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Transplantation of Human Organs - Procedure for the declaration of brain death in Government and Private Hospitals in the State - Revised guidelines issued.

HEALTH AND FAMILY WELFARE (B) DEPARTMENT

G.O.(Ms.)No.16/2017/H&FWD.

Dated, Thiruvananthapuram, 01.02.2017

Read:- 1. G.O.(Ms.)No.36/2012/H&FWD dated 04.02.2012.
2. Minutes of the meeting chaired by the Additional Chief Secretary, Health & Family Welfare Department on 21.01.2016.

O R D E R

Deceased Donor organ Transplantation Programme was started in 2012. Government have issued directions from time to time on various aspects of the Programme including modalities for brain death certification and allocation of the organs. This is managed by the organisation called Kerala Network for Organ Sharing (KNOS). Recently some concerns were expressed that the current guidelines had loopholes which could raise concerns about the genuineness of the brain death certification process.

2. In order to examine this complaint and to draft foolproof guidelines, a comprehensive meeting of experts in the field was held on 21.01.2017. Based on the consultation, Government are pleased to issue revised guidelines for brain death certification incorporating the following directions.

1. Brain Death Certification is to be done by a team of 4 doctors, of which at least 2 doctors must be from outside the hospital. One of them must be a doctor from Government service who has been empanelled for the same by the appropriate authority.
2. Real time (time and date stamped) Videography of the brain stem death certification must be produced for both the Apnoea tests.

- 3 A peripheral Nerve Stimulation test will be carried out to rule out residual neuromuscular blockade through pharmacology agents.

(By Order of the Governor)

RAJEEV SADANANDAN

Additional Chief Secretary to Govt

To

The Director of Medical Education, Thiruvananthapuram
The Director of Health Services, Thiruvananthapuram.
The Nodal Officer, KNOS, Government Medical College, Thiruvananthapuram
The Principal, All Government Medical Colleges (Through DME)
The Superintendent, All Government Medical Colleges (Through DME)
All District Medical Officers (Through DHS)
Information & Public Relations Department (Web & New Media)
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Forwarded/By order



Section Officer

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GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department – Transplantation of Human Organs –
Declaration of brain death mandatory in Government and Private Hospitals in the
State – Procedure for declaration of brain death – Orders issued

HEALTH AND FAMILY WELFARE (S) DEPARTMENT

G.O (MS)No.36/2012/H&FWD

Dated, Thiruvananthapuram 04.02.2012

Read:- 1) GO(Rt)No.572/2011/H&FWD dated 14.2.2011
2) Letter No.A1-11317/MCT/2011 dated 20.06.2011 from the Principal,
Government Medical College, Thiruvananthapuram

ORDER

1. A large number of patients are suffering from on account of irreversible organ ailments involving heart, liver, pancreas and kidney. Many of them could lead healthy lives if they had the opportunity to have transplant surgery. Considering the ethical issues surrounding the live and deceased organ transplantation, Government felt the need to streamline the procedures for deceased donor organ transplantation (DDOT) in the State.

2. In order to study the feasibility of deceased donor organ procurement and transplantation in the State, a Committee of doctors was constituted as per the Government Order read above. A detailed report in this regard was submitted by the Committee to Government as per the letter read as 2nd paper above.

3. Government have considered the report in detail. Organ transplantation is a life saving procedure and a large number of patients with end stage organ failure are waiting to undergo organ transplantation. Majority of end stage organ failure patients in India die due to the non availability of organs and / or non affordability. The deceased organ donation rate in our country is 0.08 per million populations and the overall potential of organ donation following brain death is extremely high. The Transplantation of Human Organs Act, 1994 (THOA) is an enabling legislation as far as deceased donor transplantation is concerned. There is at present no established procedure or guideline in the State to deal with situations that arise when brain deaths occur in hospitals that are not registered under THOA, 1994, even when the families of brain dead persons wish to give consent to donate the organs of their deceased family member. Considering the fact that the deceased donor organ donations are done with altruistic motive and in a generous and charitable manner as a willing contribution to the society, it is necessary that this organ donation be governed by transparency on all fronts to ensure that the sentiments of the donor's relatives are adequately respected.

4. One of the major impediments in deceased donor transplantation in the State is the lack of clarity in brain death certification and its optional nature. There are also doubts in medical circles on the authority by which doctors may declare "Brain Death", whenever required. The Transplantation of Human Organs Act, 1994 (THOA, 1994) and the Transplantation of Human Organs Rules, 1995 (THO Rules) made there under are the only pieces of legislation available wherein brain death certification procedures have been elaborately laid down, it is hereby decided that the procedures outlined therein will also be adopted as brain death certification procedure in Kerala. This order will also elaborate on the above format to ensure its applicability to the entire State of Kerala. Government therefore hereby order and made it mandatory that whenever the medical condition (clinical and medical criteria have been met for) of a patient has reached a brain death stage, brain death certification is done as stipulated in this order. This will come into force with immediate effect in all Government District Hospitals & General Hospitals and all the 5 Government Medical Colleges and Private hospitals in the State registered as Transplant Centres with the Appropriate Authority for certifying Brain Death as per the THO Act, in the event of a family of brain dead person consenting to organ donation. All Organ Transplantation Centres will register with the Appropriate Authority for this purpose.

5. Form 8 of the THO Act and Rules as found in the Annexure-I to this order are prescribed as the brain death certification format to be utilised for any given situation requiring certification that a person is dead on account of permanent and irreversible cessation of all functions of the brain stem. The tests prescribed therein and the findings required shall remain the same.

6. According to Form 8 of the said Act and Rules, when such certification is required, there shall be two medical examinations conducted by a team of doctors after a minimum interval of six hours and the findings made based on the tests prescribed therein. One aspect of the above form requires further classification and this is provided in Annexure II of this Order. Section 3(6) of the THO Act and Rules prescribes a Board of Medical Experts consisting four Doctors, who are authorised to certify brain death and this provision is clarified further.

(A) Doctor No.1 is the 'R.M.P': in charge of the hospital in which brain-stem death has occurred.' Accordingly, the Registered Medical Practitioner in charge of the hospital in which brain-stem death has occurred shall refer to either the Head of the Institution or RMO.

(B) Doctor No.2 is an independent R.M.P. nominated from the panel of names approved by the Appropriate Authority.' Accordingly, a panel of names shall be sent by the Medical Superintendent/Medical Director of the hospital through the District Medical Officer to the Appropriate Authority namely the CCCT (Core Committee for Cadaver Transplantation) and on approval shall then be utilised as the panel from which a R.M.P. shall be nominated for each brain death certification. Each hospital may decide on the panel of names for this duty.

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(C) Doctor No 3 is 'Neurologists/Neuro-Surgeon nominated from the panel of names approved by the Appropriate Authority' Again, a panel of names shall be sent by the Medical Superintendent/Medical Director of the Hospital through District Medical Officer to the Appropriate Authority and on approval shall be utilised as the panel from which one specialist as in the category therein shall be nominated for each brain death certification. Each hospital may determine its own procedure for this duty.

(D) Doctor No.4 is the R.M.P. treating the aforesaid person (No clearances are required from the Appropriate Authority in this category)

Note: i) Doctor No 2 and 3 should be from outside the Hospital where the Brain stem death patient is taking treatment and to get their services, the hospital concerned, shall make a request to the DMO concerned.

ii) The 1st and 2nd Medical examination as defined in Form-8 of the THO Rules shall be conducted by category 2 and 3 Doctors from the panel approved by the Appropriate Authority

7 This procedure shall be applicable to all hospitals including private hospitals which wish to certify Brain Death as and when required. Accordingly, categories that require for the panel to be approved shall be done so on request to the Appropriate Authority (Core Committee for Carlevel intation)

8 The Director of Medical Education and the Director of Health Services are directed to periodically organise awareness workshops on the provisions of this order

(By Order of the Governor)
RAJEEV SADANANDAN
Principal Secretary to Government

To

The Director Medical Education, Thiruvananthapuram
The Director of Health Services, Thiruvananthapuram
The Principal, Medical College, Thiruvananthapuram, Kottayam,
Alappuzha, Thrissur & Kozhikode
District Medical Officers (Health) (through DHS)
Track file/Office Copy

Forwarded by Order


Section Officer