

The National Advisory Board on  
Social Welfare and Health Care Ethics ETENE

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## **COMMENT REQUEST FROM THE REGEA CELL AND TISSUE CENTRE TO ETENE ON QUESTIONS PERTAINING TO THE ETHICS OF TISSUE BANK ACTIVITIES**

The multi-tissue bank Regea functioning in connection with the University of Tampere has asked ETENE to comment on ethical issues related to tissue bank activities. ETENE addressed the matter in its meetings on 17 April 2013 and 22 May 2013.

Regea states that after the amendment to legislation made in 2010 with the aim of increasing tissue and organ donations, the organising of tissue donations by hospital staff required a greater amount of resources than previously, which led to a decision by the Tampere University Hospital to outsource its tissue bank activities. In 2005, the multi-tissue bank Regea fulfilling the requirements set in legislation was established at the University of Tampere with the aim of promoting tissue transplants and increasing the use of tissue technology in the treatment of patients. This way, Regea aims to enable more efficient and functional treatment for patients suffering from tissue loss and problems with tissue functionality. According to Regea, its activities differ from those of other Finnish operators in the tissue bank sector as concerns the identification of donors. Regea systematically scans all deceased brought to the Tampere University Hospital for cold storage as potential tissue donors and contacts the near relatives of suitable donors less than 24 hours after the death has taken place to inquire about a possible opinion the deceased person may have held concerning tissue donation.

### **On the basis of the discussion, ETENE proposes the following statement:**

It was concluded that the objective of the 2010 amendment to the Act on the Medical Use of Human Organs, Tissues and Cells (101/2001) was to increase the donation of organs, tissue and cells obtained from the deceased. The provision on consent for the removal of organs tissues and cells of a deceased person under the Act on the Medical Use of Human Organs, Tissues and Cells was amended to allow the removal of organs, tissues and cells of a deceased person unless it is known or there is reason to assume that the person would have objected while still alive.

Before removal of a deceased person's organs, tissues or cells, the deceased person's opinion, while still alive, must be investigated as far as possible. The amendment stresses this opinion as a precondition of tissue donation. The objective is to ensure the realisation of the individual's right to privacy and self-determination. It is thus necessary to investigate the deceased person's opinion, while still alive, and document it appropriately. The use of an assumed consent does not remove the need to discuss the procedure with the relatives of the deceased. The deceased person's near relative or other close person must be given an explanation of the removal of organs, tissues or cells and of its significance. This obligation is laid down in section 9a of the Act on the Medical Use of Human Organs, Tissues and Cells.

The Advisory Board states that the need for tissue transplants in clinical use will increase in the future and the opportunity for tissue transplants will benefit citizens, as long as the ethical perspectives are accounted for in the activities. According to section 19(3) of the current Act on the Medical Use of Human Organs, Tissues and Cells, an organ, tissues or cells removed or retained from a cadaver that cannot, for a medical reason, be used for the purpose for which they were originally removed may be used for some other justifiable medical purpose with a permit from the National Supervisory Authority for Welfare and Health. The permit is particularly important when aspects of commerciality are associated with the activities.



A practice where the relatives of the deceased person are contacted soon after the death has taken place may cause confusion in the grieving family members. From the viewpoint of the relatives, a more discreet practice would be one in which the initial contact would be made by the doctor who has treated the patient or a trained nurse.

ETENE also states that raising public awareness on the significance and practices of tissue donation is necessary and acceptable. The Advisory Board finds that persons who have received tissue transplants can be used, with their permission, as examples in the communications. ETENE has reservations regarding the use of individuals in the public eye as examples of tissue donors. Such advertising can easily contain tones of over-the-top marketing that can be perceived as irksome.

On behalf of the Advisory Board

Chairman

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General Secretary

Leila Jylhänkangas

#### FOR YOUR INFORMATION

Ministry of Health and Social Services/Department for Social and Health Services

Ministry of Social Affairs and Health/Minister of Health and Social Services

