

German doctors call for reform after organ scandal

Doctors in Germany are calling for greater cooperation between authorities and transplant physicians to investigate possible cases of unethical practice. Rob Hyde reports from Lower Saxony.

Following recent organ donor scandals, German doctors are now calling for increased legal powers to investigate suspicious cases.

Public outcry broke out as it emerged that a senior physician working at two university medical centres in the northern federal state of Lower Saxony, and Bavaria, southern Germany, had supplied organs to a favoured list of transplant patients.

Although the Bavarian authorities were informed in 2005, no intervention was made for 7 years. This delay allowed the surgeon to move on unchecked to another university medical centre in Göttingen, where, now head of department, he was involved in over 20 further cases of professional misconduct.

The surgeon, identified as Aiman O, started work at Regensburg University Medical Centre in 2003. Speaking to *The Lancet*, Frank Ulrich Montgomery, head of the German Medical Association (BÄK), said in 2005 his organisation became suspicious when informed that an organ destined for a recipient in Europe had instead been redirected to the Middle East. "We placed him [Aiman O] on our blacklist when we found out a split liver had been ordered, and the patient's body had rejected it, requiring a cadaver liver. One was then found in Vienna, Austria, but though it was supposed to be flown out to Germany, it was sent to Oman, Jordan."

Netherlands-based Eurotransplant, the central office that creates waiting lists, only officially operates in Germany, the Netherlands, Belgium, Luxemburg, Austria, Slovenia, and Croatia. Here, however, the surgeon managed to make Jordanian patients seem legitimate by giving them fake addresses in Regensburg and claiming they were patients of the

local hospital. These and other patients were registered as having high scores according to the Model for End-Stage Liver Disease (MELD) system, indicating that transplant operations were required urgently. When this falsified data was sent to Eurotransplant, they were put straight to the top of its waiting list.

"...the public has suffered a massive lack of confidence in the transplantation system..."

In August, 2005, 3 months after receiving the tip-off about the organ sent to Oman, the BÄK compiled a 13-page report documenting examples of conduct violation of Article 16 and 18 of German Transplantation Law. The dossier was then submitted to the Bavarian State Ministry for Work and Social Order, the Bavarian State Ministry for Sciences, Research and the Arts, the Chief Executive Officers of the Regensburg University Medical Centre, and its public prosecutor. However, no action was taken then, or in 2006, when another report was sent to the same parties. It was only during a recent random BÄK procedural check at Göttingen University Medical Centre that further misconduct by Aiman O was uncovered.

"This is the problem", said Montgomery. "We scrutinise everything, write good reports and nothing happens. We have no form of police to demand the records are handed over to us immediately and must rely on cooperation."

"We are definitely not convinced that central authorities do a better job than we do, and we now need increased powers to ensure that we can do more to introduce control

measures and ensure high standards and transparency."

Despite pushing for increased powers for doctors to investigate, Montgomery stressed that it was not a case of self-regulation versus centralised, state regulation, rather about increasing cooperation between federal or local authorities and transplant physicians.

The need for increased cooperation is shared by Elisabeth Pott, director of The Federal Centre for Health Education, which launched the awareness campaign—Become an ORGANPATE (organ donor) in 2010. She said no one party can help restore public confidence in the organ transplantation system. "The keywords here are control and transparency. It needs to be clear exactly which forms of advisory boards will be making the decisions, and whether these boards are made up of representatives of the state, medical corporations, doctors, patients, etc. This needs to be clear to ensure that no group is merely pursuing its own agenda and furthering its interests."

Not everyone, however, is convinced that the way forward is self-regulation for the medical sector. Eugen Brysch, the chairman of the German patient protection organisation Deutsche Hospiz Stiftung, told *The Lancet* that any new legal powers must remain a matter for the state. "Though in the scandal cases the public has suffered a massive lack of confidence in the transplantation system, rules and laws must be legislated when we are dealing with decisions of life and death. The Bundestag [German parliament] is responsible for this, and not doctors' self-regulation."

Rob Hyde



Frank May/DPX/Press Association Images