Organ Transplantation and Consent





Outline

- What is consent
- The legal environment
 - Montgomery vs Lanarkshire
- Understanding risk
 - Risk vs probability
 - Perceptions of risk
 - Risk in transplantation
 - Absolute vs relative risk

- Risks in transplantation
 - Recipient
 - Donor
 - Immunosuppression
- Communicating risk
 - Timing: when to do it
 - Presenting information
 - Numeracy and literacy

What is consent?



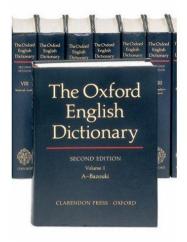
Oxford English Dictionary

Consent:

"Voluntary agreement to or acquiescence in what another proposes or desires; compliance, concurrence, permission"

Informed consent:

- Law: permission granted in the knowledge of the possible consequences;
- Medicine: consent to a medical or surgical procedure given after all relevant information (esp. regarding potential risks and benefits) has been disclosed to the patient or the patient's guardian



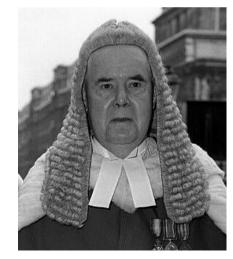
Permission granted in the knowledge of the possible consequences

What risks should be disclosed?

Bolam vs Friem Hospital Management Committee 1957: the Bolam Test

- John Bolam underwent electroconvulsive therapy without muscle relaxant and without restraint
 - He sustained many injuries including a pelvic fracture
 - He sued the hospital
- In summing up the case, Justice McNair said: "There is no breach of standard of care if a responsible body of similar professionals support the practice that caused the injury, even if the practice was not the standard of care."





Sidaway v Board of Governors of the Bethlem Royal Hospital 1985

Amy Doris Sidaway underwent cervical cord decompression

Neurosurgeon did not mention risk of paraplegia, which was <1%</p>

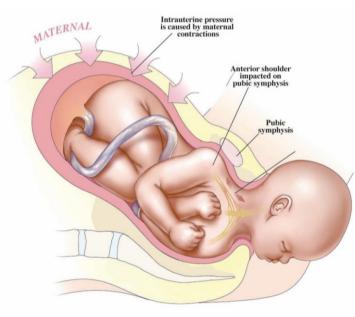


Sidaway v Board of Governors of the Bethlem Royal Hospital 1985

- Amy Doris Sidaway underwent cervical cord decompression
 - Neurosurgeon did not mention risk of paraplegia, which was <1%</p>
- Lord Diplock stated "we are concerned here with volunteering unsought" information about risks of the proposed treatment failing to achieve the result sought or making the patient's physical or mental condition worse rather than better. The only effect that mention of risks can have on the patient's mind, if it has any at all, can be in the direction of deterring the patient from undergoing the treatment which in the expert opinion of the doctor it is in the patient's interest to undergo. To decide what risks the existence of which a patient should be voluntarily warned and the terms in which such warning, if any, should be given, having regard to the effect that the warning may have, is as much an exercise of professional skill and judgment as any other part of the doctor's comprehensive duty of care to the individual patient, and expert medical evidence on this matter should be treated in just the same way. The Bolam test should be applied"

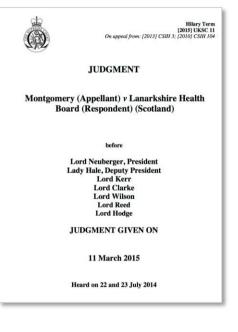
Montgomery vs Lanarkshire Health Board 2015 Supreme Court, Lord Neuberger presiding

- Plaintiff: Nadine Montgomery
 - Molecular biologist; mother & sister were doctors
- 5 feet tall & diabetic
 - Women with diabetes have tendency to big babies with wide shoulders
- Not warned of 9-10% risk of shoulder dystocia
 - And that Caesarean section would avoid this risk
- Baby born with cerebral palsy



Montgomery vs Lanarkshire Health Board 2015 Supreme Court, Lord Neuberger presiding

- 'The doctor is ... under a duty to take reasonable care to ensure that the patient is aware of any material risks involved in any recommended treatment, and of any reasonable alternative or variant treatments.
- The test of materiality is whether, in the circumstances of the particular case, a reasonable person in the patient's position would be likely to attach significance to the risk, or the doctor is or should reasonably be aware that the particular patient would be likely to attach significance to it.'



The legal position: summary

- Reasonable doctor vs. reasonable patient
- No longer sufficient to tell a patient what a "reasonable doctor" might say
 - Bolam/Sidaway
- Requirement now is to tell a patient what a "reasonable patient" would want to know
 - Montgomery



Understanding Risk

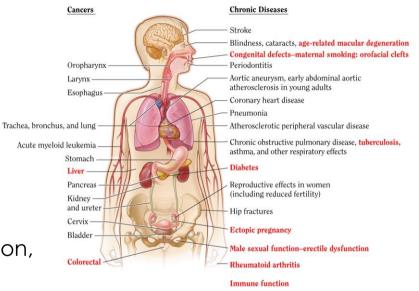


Who smokes?

- Reduces life expectancy by 7 years
- 25x more likely to get Lung Cancer
- 2-4x more likely to get CVA or MI
- Many cancers more common
 - Kidney, ureter, bladder, cervix, larynx, oesophagus, stomach, pancreas, liver, colon, rectum...
- Other problems more common in smokers
 - Impotence
 - Progression of diabetic complications

Risks from Smoking

Smoking can damage nearly every part of your body



Overall diminished health



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NEWS		
News Front Page	Page last updated at 16:27 GMT, Monday, 14 June 2010 17:27 UK	
World UK	E-mail this to a friend	
England Northern Ireland	Wigan transplant patient given lun	gs of 30-year smoker
Scotland Wales Business Politics Health Education Science & Environment Technology Entertainment Also in the News Video and Audio Have Your Say	The rather of a woman who died after a double lung transplant said she would have been "horrified" to discover the organs were from a smoker of 30 years.Cystic moreic cufferer Lynsey Scott, of Wigan, died months after surgery at Wythenshawe Hospital last year.Allan Scott said she was not told that the donor smoked and is calling for patients to be given more information.	 SEE ALSO Woman dies after lung transplant 13 January 10 Kent Organ transplants' hidden risk 24 November 09 Health RELATED BBC LINKS Cystic fibrosis RELATED INTERNET LINKS UHSM NHS Blood and Transplant The BBC is not responsible for the content of external internet sites
Magazine In pictures	The University Hospital of South Manchester (UHSM) NHS Trust said it had followed national guidelines.	TOP MANCHESTER STORIES How to contact us
Country profiles Special reports	Ms Scott, 28, who was born with cystic fibrosis, underwent the surgery in February 2009 to prolong her life after her condition deteriorated.	 Other local news Goodbye Frank
Related BBC sites Sport Weather	She died a few months later in July. Tests later concluded the primary cause of death was pneumonia.	MOST POPULAR STORIES NOW

Smoking and donation: facts

- 50% of deceased donors are smokers
 - That's why they die young
- Smoker's lungs do less well than nonsmoker's lungs
 - 48% survival at 5 years c.f. 58% at 5 years
 - The more cigarettes the worse the outcome
- Recipients who accept lungs from donors who smoke live longer
 - 25% waiting list mortality for a lung transplant

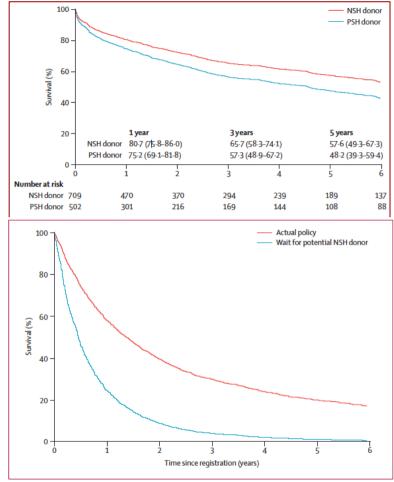


Figure 4: Actual survival from waiting-list registration for patients with a diagnosis of pulmonary fibrosis listed between 1999 and 2003, and an estimated survival if lungs from donors with positive smoking histories were excluded from the donor pool and patients chose to wait for lungs from donors with negative smoking histories

NSH=negative smoking history.

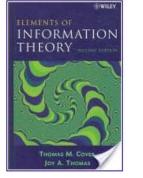
Bonser et al. Lancet 2012;380:747

Informed consent and risk

Information

- A reduction in uncertainty
- Knowledge of a possible event and its likelihood

• How likely is an event?



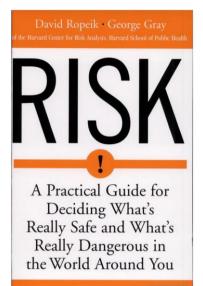
Probability and Risk

- Probability
 - the chance of an event occurring

Risk

- Implies not only the chance of an event occurring, but also that the event has a consequence
- In medicine, risk implies harm,

Risk = probability x harmful consequence



What is an important risk?

- One that is common
 - high probability
- One that has a seriously harmful consequence,
 - e.g. death
- One that matters to the patientEven if a small probability

Risk = probability x harmful consequence

		Impa			>		
		Negligible	Minor	Moderate	Significant	Severe	
Likelihood	Very Likely	Low Med	Medium	Med Hi	High	High	
	Likely	Low	Low Med	Medium	Med Hi	High	
	Possible	Low	Low Med	Medium	Med Hi	Med Hi	
	Unlikely	Low	Low Med	Low Med	Medium	Med Hi	
	Very Unlikely	Low	Low	Low Med	Medium	Medium	

Perception of risk

Two sorts of risk



- Actual risk objective likelihood of event occurrence
- Perceived (or emotional) risk
 - Based on belief of event occurrence,
 - Affected by emotion not fact
 - Illustrated well by gambling, where chance of winning over estimated
- Lottery risk
 - Chance of winning jackpot (6 numbers): 1 in 14 million
 - Chance of winning £10 (3 numbers, £10): 1 in 57
 - "the lottery is a tax on people who are bad at maths"

Which is more likely to kill you, a routine anaesthetic or a parachute jump





Perception of risk - 2

Prior experience

- Risks of events that are perceived as well understood (familiar) or as less severe are readily dismissed
 - E.g. an anaesthetic for a non emergency operation*
- events perceived as not understood (unfamiliar) are viewed as more consequential, more severe
 - e.g. a parachute jump*
- ■Numbers close to zero, e.g. ≤1%
 - Perceived as no risk.







TAKING RISK

There's a fine line between taking a calculated risk and doing something dumb.

Risk taking requires a knowledge of the risk



- There are known knowns.
 - These are things we know that we know.
- There are known unknowns.
 - That is to say, there are things that we know we don't know.
- But there are also unknown unknowns.
 - There are things we don't know we don't know.

Donald Henry Rumsfeld, 1932-2021.

U.S. Secretary of Defence under Presidents Ford and Bush Jnr. The man who started the war in Afganistan

Factors affecting outcome in transplantation

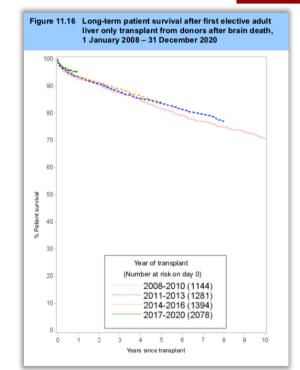
- The donor
- Donor organ recovery
- Warm and cold ischaemic time
 - Logistical issues, e.g. patient & organ transport; theatre access; cross match
- The transplant surgery
- The recipient
- Post transplant care
- Immunology
- Immunosuppression



Outcome measures in transplant: Survival

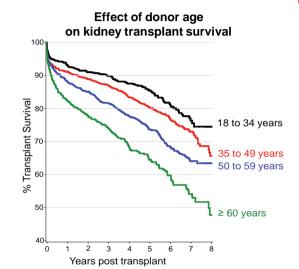
Graft survival

- How long did the transplant last?
- e.g. kidney transplantation
- Patient survival
 - How long did the patient survive
 - Equates to graft survival for heart and lung transplantation
- Time points
 - I or 3 months: surgical factors
 - 12 months: marker of "long term" outcome
 - Years: what the patient wants to know is how long will I survive once I am listed



Known knowns: Donor factors affecting outcome

- Factors common to all organs
 - Donor age
 - Cause of death trauma vs CVA
 - Ischaemic time
- Organ specific factors
 - HLA mismatch heart, lung and kidney
 - Smoking lung
 - Hypertension kidney
 - Obesity Liver, pancreas
 - ...





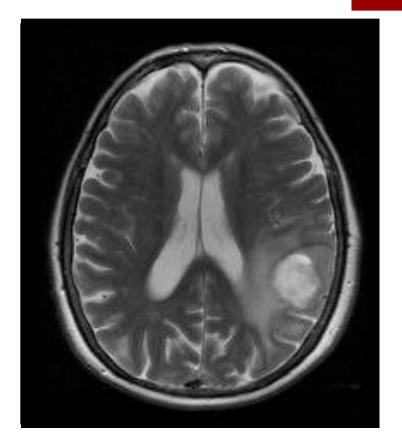
Risk indices to predict donor organ outcome

- Multiple variable analysis of donor factors affecting outcome
 - Analysis of thousands of donors
- "Risk" Index to aid:
 - Acceptance of donor organ
 - Allocation of donor organ
 - Audit of outcomes

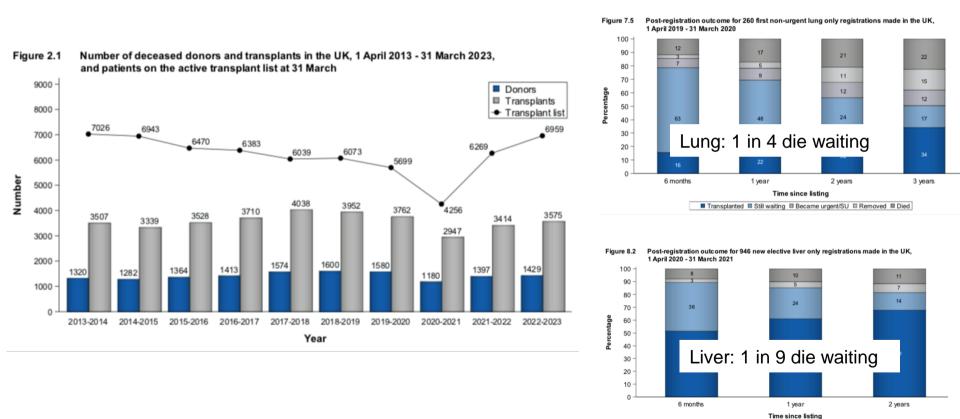
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Known unknowns: Donor associated risks

- Mode of death
 - Carbon monoxide poisoning
- Transmission of Infection
 - Definite risk
 - Hepatitis B or C pos
 - HIV positive
 - High risk behaviour
 - Sex workers; Prisoners; iv drug use
 - "seronegative infectious window"
- Transmission of cancer
 - Primary brain tumour
 - Rarely transmitted (1% for grade 4)
 - History of previous cancer



Selection of donors in an era of organ shortage



Source: ODT Annual Activity Report, 2023. NHS Blood and Transplant.

Transplanted Still waiting Removed Died

Embracing risk

- Risk in normal life
 - Tends to be avoided
 - Most of us are risk averse

■But

- Organ failure involves risk
- Transplantation involves risk
- Delaying transplantation involves risk





Absolute vs Relative Risk



- Risk of death with this transplant: 10 in 100
- Risk of death on waiting list: 15 in 100
- Relative risk
 - Comparing risk on waiting list versus risk of accepting donor, e.g. 1.5 times more likely to die if wait for lungs from non-smoker than if have the next lung.

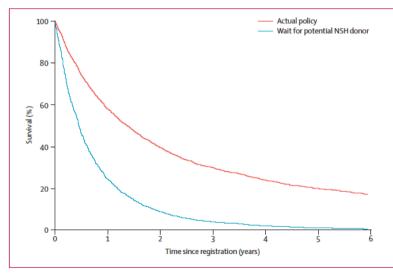


Figure 4: Actual survival from waiting-list registration for patients with a diagnosis of pulmonary fibrosis listed between 1999 and 2003, and an estimated survival if lungs from donors with positive smoking histories were excluded from the donor pool and patients chose to wait for lungs from donors with negative smoking histories

NSH=negative smoking history.

What the patient must know, & understand: Absolute vs Relative Risk

- The risks for that individual associated with waiting
- Any additional risks that the donor poses
- Chance of another transplant offer (and when) if decline the initial offer
- Risk of death while waiting the extra time

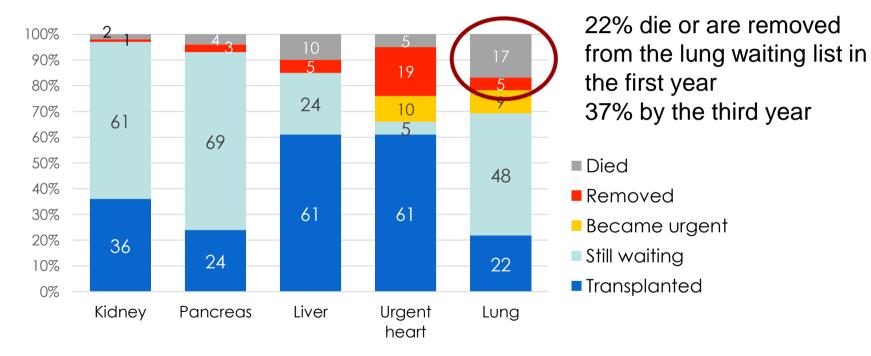
Annual Risk of Death



- Lung transplant waiting list: 170 per 1000
- Annual mortality rate in England & Wales:*
 - Age 25-34: 0.8 per 1000
 - Age 35-44: 1.5 per 1000
 - Age 45-54: 3.6 per 1000
- Serving in Afghanistan: 171 per 1000 per yr**

*Data for men. ONS data for 2005. <u>http://www.ons.gov.uk/</u> ** Blastland & Spiegelhalter: The Norm Chronicles

Patient outcomes one year after joining the transplant waiting list



Patients joining the waiting list in 2019/20 data. Excludes non-urgent heart patients, urgent lung and super-urgent liver patients

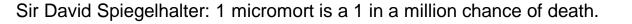
Formula 1 motor racing is safer than waiting for a lung



Mark Webber, Valencia, 2010 "Red Bull gives you wings" Romain Grojean flaming crash 2020

Everyday risk: My risk of death in travelling to Bristol to give this talk

- Cambridge to Bristol: 340 miles return trip
- By motorbike: 49 in 1,000,000
 - I micromort per 7 miles
- By car: 1 in 1,000,000
 - I micromort per 333 miles
- By train or commercial plane: 0.045 in 1,000,000
 - I micromort per 22 million miles
 - By light aircraft: 1 micromort per 44000 miles







How to present the concept of risk



Communicating risk

Nothing is safe

There is a risk of death on waiting list

- Organs are not new
 - All donor organs are all second hand "from someone who died"
- Avoid emotive terms
 - "suboptimal"
 - "marginal"
 - "high risk"

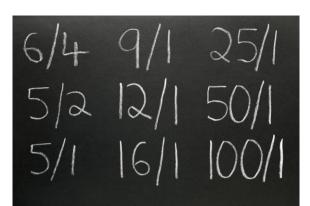


[&]quot;You're what we call 'high risk."

Numeric description of risk

Possible numeric formats

- Percentages, e.g. 10%
- Frequencies, e.g. 10 in 100
- Odds, e.g. 10 to 1
- Classical probabilities 0.0 to 1.0



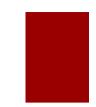
IMPLIED PROBABILITY	FRACTIONAL ODDS			
99.01%	1/100			
80.00%	1/4			
75.00%	1/3			
66.67%	1/2			
55.56%	4/5			
50.00%	1/1			
45.45%	6/5			
40.00%	3/2			
33.33%	2/1			
13.33%	13/2			
5.00%	19/1			

Which is bigger?

	Α	В		
1	1 in 1000	10 in 10000		
2	74 in 100	3 in 4	\succ	\prec
3	20 in 50	40%		
4	9 to 1 against	1 in 10	<──	\rightarrow
5	12% patients die	7 out of 8 patients survive		

0

Descriptive terms

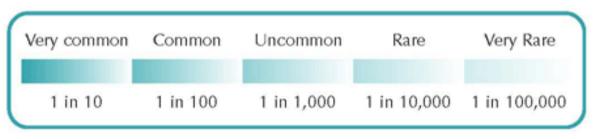


Avoid descriptive terms such as:

- "common", "rare", "possible", "unlikely"
- Different perceptions between healthcare professional and patient

Standardise terminology

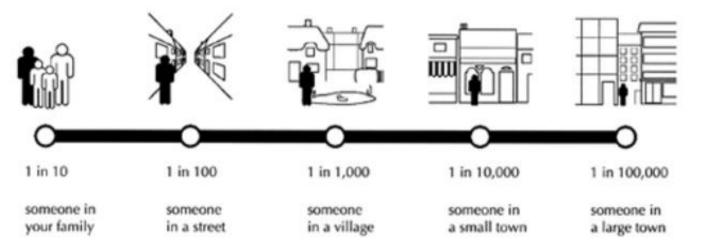
As in figure below*



*Royal College of Anaesthetists

How common: Making frequencies meaningful

The following diagram may help you decide how you feel about a risk:



In 2018: Cambridge 129,000; Oxford 154,600; Bristol 459,300 Teversham: 3000

Making frequencies meaningful

8 in 100:

- Chance of drawing an Ace from a deck of cards
- Chance of dying in the first year after a liver transplant
- Chance of a deceased donor kidney failing in the first year

2 in 100

- Chance of getting £10 on the lottery
- Chance of dying following a kidney transplant if you're under 60 and not diabetic

1 in 100

The chance of your premium bond winning in a year





One Thousand People

- Pictures to Help You

We can only show you averages. It is impossible to predict whether your results will be positive or negative.

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The Paling Palette© of 1000 Women. Copyright 2001 John P		*******
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a child with Downs Sy		miscarriage as a result of
chromosome abnorma		amniocentesis (4 out of 1,000)
	emachers DM. Chromosome abnormality rates at amniocen	
The Risk Communication Institute	5822 NW 91st Boulevard • Gainesville	, FL 32653 • 352.377.2142 • www.trci.info
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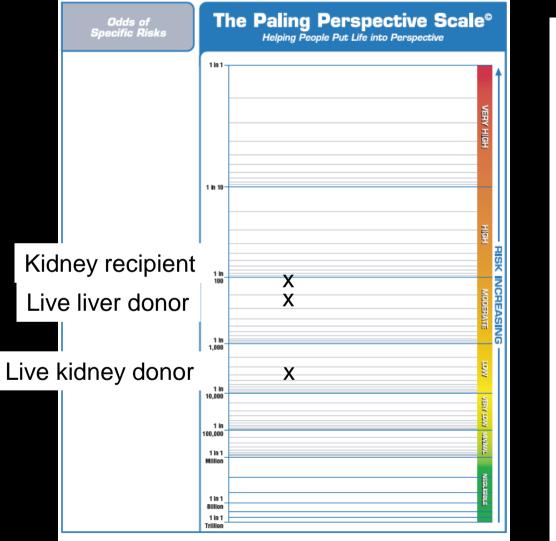
Recommendations for numeric estimates

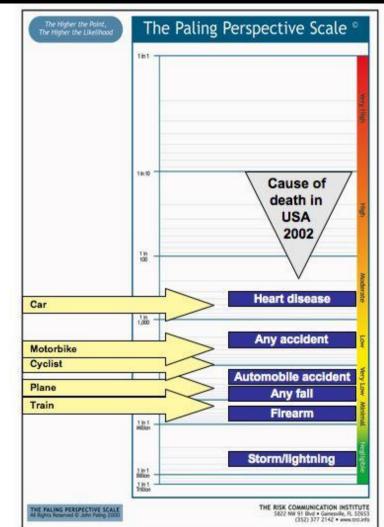
- Actual frequencies
- Consistent denominator
 - 5 in 100 vs. 11 in 100 rather than 1 in 20 vs. 1 in 9
- Whole numbers, not decimals
- Numerator
 - Some perceive risk by size of numerator, so 10 in 100 is greater than 1 in 10. Influences choice of denominator
- Avoid logarithmic scales
 - No one understands them

*Numeric, verbal and visual formats of conveying health risks: suggested best practices and future recommendations. Lipkus IM. Med Decis Making 2007;27:696

<u>Numerator</u> Denominator







Framing

- Positive and negative framing
 - Doctors tend to concentrate on negative risk
 - 5 in 100 chance of death
 - Patients want to know success
 - 95 in 100 chance of survival
- Positive framing
 - Evidence suggests more effective in persuading patients to take "risky" treatment





Numeracy = numerical literacy

- Patient numeracy very poor
 - 60% of patients innumerate in US transplant study*
 - 45% of population in the UK had numeracy at a level expected of primary school children in UK in 2022.
- Healthcare professionals
 - may not be good either

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National Numeracy Day	Go to the Challenge

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Back to school

Dread your kids asking for help with their maths homework? We can help!

Our Family Maths Toolkit contains over 200 free activities for families to do together.

It's all linked to what they learn at school. So you'll be helping your kids, and boosting your own confidence at the same time!



Find out more



Get on with numbers so you can get on in life

National Numeracy is an independent charity with a vision for everyone in the UK to get on with numbers so they can get on in life.

Which is the best way to convey risk?

Evidence mixed

- Many studies favour graphical representation
- Some suggests people are less risk averse with numbers rather than bar graphs or icons
- Depends on
 - Cognitive ability of patient
 - Age
 - Level of education

* Stone et al. J Exp Psych:Appl 1997; 3: 243. Timmermans et al. Pat Edu Coun 2004;54:255 ** Lipkus et al. J Natl Cancer Inst Monogr 1999;25: 149

Challenges in communicating risk

Personalise risk

- Statistics are for populations
- How typical of the population is the patient?
 - 2% of patients die after a kidney; 5% if they are diabetic
- How closely does the patient associate himself with the risk
 - e.g. if 5 in 100 may get a donor cancer, emphasise that the patient may be one of the 5 or one of the 95
- Communicating interactions
 How do multiple risks interact
- Communicating small probabilities
 Less than 1% tends to be ignored



Giving the information?

- ■Who?
 - Nurse
 - Doctor
 - Peers fellow patients
- ■How;
 - A process, not an event
 - With information to take away
 - Booklets
 - Videos
 - Websites
 - NB: Literacy





Summary

Informed consent

- relies on a dialogue between an informed patient and healthcare professional
- demands communication of the risks and benefits of the choices available

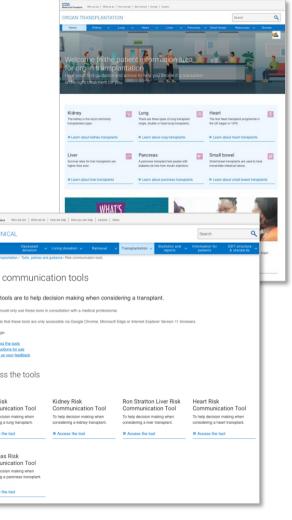
Good communication of risk is essential

- Treatment options and associated risks
- Organ quality
- Donor disease
- Transplant complications

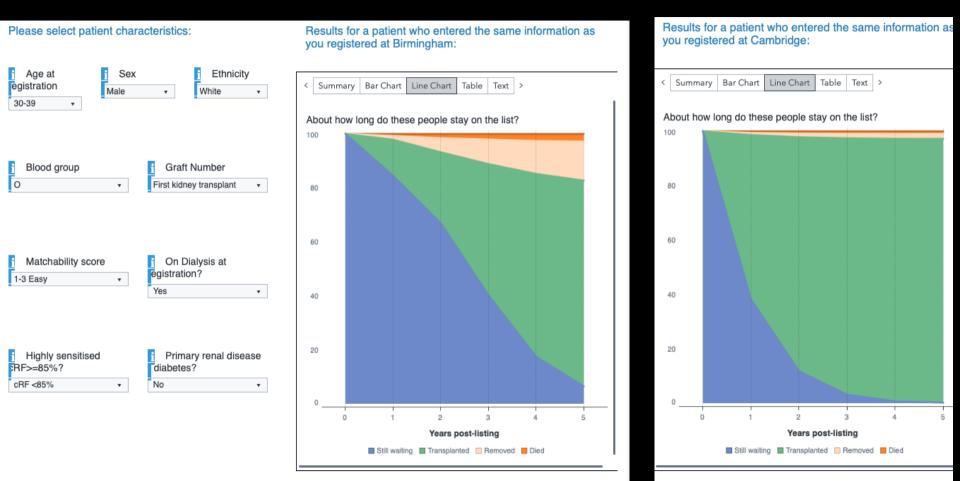
Multiple modalities of risk information are probably best

- Information at time of listing
- Reiterated during waiting period
- Confirmed at time of transplant

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Kidney waiting list



Liver waiting list



Still waiting Transplanted Died

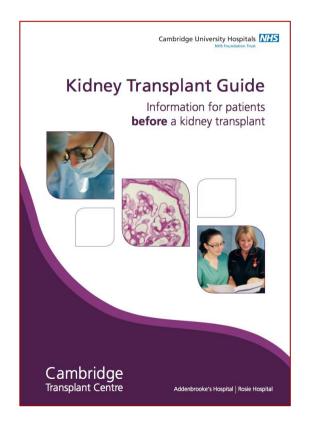
Still waiting 🔲 Transplanted 🔲 Died



How do I do it?

3 stages

- Written information
 - Patient booklet
 - An information sheet
 - The consent form
- The clinic appointment
- The repeat appointment
 - Completion of assessment
 - Reviews on the waiting list



Are they listening?



Hearing, not listening

- East Anglian Renal Meeting
- Talk about pancreas transplantation, risks and benefits
- Deborah: "If you had told me that before the transplant I would never have had it"
 - She had had all the information we give
- 10 years after transplant
 - Qualified as a nurse
 - Married
 - 1 child

