

Harvesting of corneas without families' OK questioned

California law allowing it now called unnecessary

By RALPH FRAMMOLINO
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LOS ANGELES — A renowned eye bank has paid more than \$1 million during the past five years to the Los Angeles County coroner's office in exchange for thousands of corneas, harvested without the permission or knowledge of the families of the dead.

Although the practice is permitted under a little-known state law, officials of the coroner's office and Doheny Eye & Tissue Transplant Bank have used the statute so extensively that critics say the morgue has become a virtual cornea mill.

"Totally immoral" is how former Doheny technician Julia Brain described what is happening.

"Repugnant," said former coroner supervisor Peter Linder.

Under the 1983 state law, coroners may remove corneas in cases targeted for autopsy if there are no known objections from the next of kin.

When the law was passed, there was a shortage of corneas and long waits for people seeking transplants of the dome-like tissue that covers the eye's colored iris. Speed was of the essence because corneas usually disintegrate within 24 hours after death. For that reason, coroner officials are not specifically required to seek time-consuming permission.

But a mounting number of medical experts say the law is unnecessary today because corneas are so plentiful.

San Francisco Medical Examiner Boyd Stephens, for one, said he will not allow cornea removals without family approval. He said surveys by his office have shown that even people willing to donate internal organs draw the line at eyes.

"When you think of somebody you know, you envision their face, their eyes and nose," Stephens said. "You don't identify anybody by their liver."

But in Los Angeles, an investigation by the Los Angeles Times has revealed that the coroner's office and Doheny are invoking the state measure on an unprecedented scale. This has generated a cheap source of corneas that the eye bank resells to transplant institutions for a markup of more than 1,200 percent. In return, the cash-strapped morgue receives

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payments of about \$250,000 a year.

In all, at least half of Doheny's corneas — more than 1,000 annually — come from coroner cases in which consent has not been obtained.

ALONG THE way, critics and medical experts say, ethical lapses and procedural breakdowns have occurred.

Internal documents, a computer analysis of hundreds of coroner cases and interviews disclosed that:

■ Employees of the coroner's office and the eye bank say they have been discouraged by superiors from asking permission of family members, even when it would be easy to do. In that way, no objections can be lodged.

■ The eye bank's employees are under such intense pressure to procure corneas that their productivity has been charted on monthly bar graphs. Earlier this year, when the

numbers dipped, a veiled warning of possible "downsizing" was issued by the president of Doheny's management organization, Baltimore-based Tissue Banks International, which operates 11 eye banks nationwide.

■ Contrary to federal health safety guidelines, Doheny technicians have removed corneas from people recently incarcerated and from drug users — high-risk candidates for infectious viruses. Although chances of disease transmission through corneal transplants are extremely remote, most eye banks and coroners outside Los Angeles say they prefer to err on the side of safety.

Doheny and the eye bank's management firm, both of which are listed as non-profit organizations, say they not only have complied with the law but have been motivated solely by a desire to help those with vision that has been impaired by such things as

cataract surgery and scarring from accidents and infections.

Officials of the Los Angeles County coroner's office also say their extensive use of the law has been justified by the long-standing demand for corneas in Southern California. Nonetheless, they say, the time has come for a change — prompted, they acknowledge, by internal dissension and recent questions from The Times.

The coroner's top administrator, Anthony Hernandez, said he expected a new policy requiring employees to seek family consent would be in place within days.

The Times examined 572 cases for a 12-month span beginning in July 1996, as well as a scattering of others from years past in which corneas were taken under the Coroners Law. When contacted by the newspaper, some families responded with anger, others with understanding. All, however, were shocked that they had not been asked or told.

THE FAILURE to request permission was no mere oversight but rather common practice.

"We were, under no circumstances, to call the family or approach the family," said Robert Iwan, who once ran Doheny's Central Coast office. He now is a free-lance illustrator and

substitute teacher. "If we were to approach the families, we risked the possibility of the family saying 'no.'"

And if the families weren't asked, then there was no reason for them to wonder.

"If you take the cornea, no one knows it's gone," said Lisa Karlan Rasgon, who once operated a local tissue bank. "Because who goes up to a dead person and opens their eyes? There's no disfigurement when the corneas are removed."

On occasion corneas have been harvested when no autopsies were conducted because of communication foul-ups or subsequent decisions not to perform them.

Linder, the former death investigation supervisor, said he recalls about a half-dozen instances in which unnecessary autopsies were performed because corneas had been removed under questionable circumstances.

"If ... you're afraid of a family complaint, to protect the coroner against a lawsuit, you did an autopsy," Linder said.

Chief Medical Examiner Lakshmanan Sathyavagiswaran acknowledged there have been "rare" instances in which such autopsies were performed. "I don't think it happens anymore," he said.