

*THE NATION; Organ prospects go up in smoke; Medical marijuana users are being denied transplants. One of those patients died this month. Los Angeles Times May 19, 2008 Monday Correction Appended*

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**HEADLINE:** THE NATION;  
Organ prospects go up in smoke;  
Medical marijuana users are being denied transplants. One of those patients died this month.

**BYLINE:** Stuart Glascock, Times Staff Writer

**DATELINE:** SEATTLE

**BODY:**

Should using doctor-prescribed marijuana be a deal-breaker for someone needing an organ transplant? It is not a theoretical question but a pressing and emotional one confronting hospitals and patients in states where medical use of marijuana is legal.

This month, Timothy Garon, 56, a Seattle musician, died after being turned down for a liver transplant. He was rejected partly because he had used medical marijuana.

Now, a second critically ill patient in Washington state says he has been denied a spot in two organ transplant programs because he uses doctor-prescribed marijuana.

Jonathon Simchen, 33, of Fife, a town south of Seattle, is a diabetic whose kidneys and pancreas have failed.

He said he was removed from the transplant program at Virginia Mason Hospital in Seattle because he admitted using medical marijuana. Later, he said, University of Washington Medical Center transplant officials refused to accept him because of the medical marijuana issue.

"I'm just so discouraged," said the community college student, who wants to be a teacher. "I've lost all remnants of hope. I look at my life right now as if it is a prison term. I just have to serve each day."

The lawyer who represented Garon has taken on Simchen's case.

Douglas Hiatt argues that his clients are the victims of a loosely defined transplant policy, one not based on science.

"They are really killing people over this," he said.

Hospital transplant programs, wanting to ensure the best possible outcome for each transplant and to make optimum use of the limited number of organs available, have strict standards about drug use and smoking in determining who is eligible for a transplant list.

Hiatt and advocates of medical marijuana are urging hospitals to adjust their policies after Garon's death May 1. Garon used marijuana with a doctor's approval to ease the symptoms of hepatitis C. He died without gaining admission to the University of Washington Medical Center's transplant program.

Hiatt wants to negotiate on behalf of Simchen to get him on a transplant list, but he expects he may have to file a lawsuit to get that accomplished. If nothing else, Hiatt intends to compel judicial review of the policy.

"No, it ain't over," Hiatt said. "Jonathon needs help. He's going to get on that list one way or another.

"You cannot treat people like this. There's no rational basis for it."

Although marijuana remains an illegal substance under federal law, about a dozen states, including Washington, Oregon, California and Nevada, allow doctors to prescribe it for medical purposes. It is used for conditions such as glaucoma, diabetes, high blood pressure and AIDS.

University of Washington officials, citing privacy laws, declined to discuss specifics of individual cases, but issued a statement acknowledging that they took marijuana use into consideration.

"Although medical marijuana may be an issue in rare cases, it is never the sole determinant in arriving at medical decisions about candidates for organ transplants," the statement said.

A spokeswoman for Virginia Mason Hospital said smoking of any kind could "lead to patient-safety and transplant-effectiveness issues" and was precluded. She said the hospital's transplant committee would also weigh a patient's use of medical marijuana in

pill form.

At the University of Washington, the transplant committee said it reviewed "behavioral concerns such as a history of substance abuse or dependency. If such a history exists, then the committee looks at the period of abstinence the candidate has demonstrated to date," as well as the patient's efforts to maintain abstinence and potential to abuse again.

Asked why the committee considered marijuana use under a doctor's supervision "a history of substance abuse," a hospital spokesman cited the federal law categorizing marijuana as an illegal drug.

The United Network for Organ Sharing, which oversees the organ transplant system nationally, leaves it up to hospitals to determine how to allocate organs. The network's members include 254 U.S. transplant centers.

There are nearly 100,000 people on waiting lists for transplants, the network said. On average, there are about 6,000 donors a year.

Some medical ethicists say standardized written policies on marijuana use by transplant patients are needed.

"Medical marijuana is opening a can of worms," said Peggy Stewart, a clinical social worker with the liver transplant program at UCLA Medical Center.

Her studies of transplant centers found discrepancies in eligibility criteria.

She said bias existed in the medical community against marijuana because of the federal law.

Some transplant committee members see it as an illegal substance and as grounds for automatic rejection.

"If we are going to discriminate in this way, then we need to inform doctors that maybe they shouldn't be prescribing marijuana," Stewart said. "It's a problem right now. There's no distinction between a recreational drug user and somebody who used it only for medicinal purposes."

She said many other addictive prescriptions, particularly pain medications, did not automatically disqualify patients from transplant lists because they were not illegal substances under federal law.

She said UCLA excluded marijuana users until they could demonstrate that they had abstained for six months. She said the policy was being reexamined.

The policy debate has done little to soften the grief for family and friends of Garon, the late singer, songwriter and acoustic guitarist.

His death triggered a flood of reaction.

The website Stop the Drug War called it evil to deny transplants to medical marijuana patients.

One Seattle-area alternative newspaper was so outraged that it listed the telephone numbers of University of Washington transplant center staff members.

In an editorial, the Ventura County Star wrote: "So, be warned, medical marijuana -- legal for the last 12 years in California with a doctor's authorization -- could cost you your job. And if you need an organ transplant, it could cost you your life."

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**CORRECTION-DATE:** May 22, 2008

**CORRECTION:**

Medical marijuana: An article in Monday's Section A about medical marijuana users being deemed ineligible for organ transplant surgery misspelled the first name of patient Jonathan Simchen as Jonathon.

**GRAPHIC:** PHOTO: DEATHLY ILL: Timothy Garon's girlfriend, Leisa Bueno, tries to comfort him in a Seattle hospital in April. He died a week later. Garon had been turned down for a liver transplant, in part because he had used medical marijuana.

PHOTOGRAPHER: Elaine Thompson Associated Press PHOTO: REJECTED: Jonathon Simchen is a diabetic whose kidneys and pancreas have failed. "I look at my life right now as if it is a prison term," he said. "I just have to serve each day."

PHOTOGRAPHER: Kevin P. Casey For The Times

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