

REVIEW**THE PROBLEM OF BLOOD TRANSFUSIONS AND THE
TRANSMISSION OF HIV**

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UNIVERSIDAD CATÓLICA DE COLOMBIA, 2017.**

The book presents reflections and proposals on a current problem in the field of health sciences, namely blood transfusions, the liquid element and its impact in difficult contexts such as the armed conflict; it also describes existing solutions, their shortcomings, and proposals presented by the authors themselves against the adverse effects of the medical act, both from a private and a public perspective. It is based on the recognition that blood has an intrinsically risky quality and its manipulation might have negative consequences. It underlines the high probability of transmission of diseases through blood transfusions, due to a series of factors, including a lack of state control over entities that perform this type of procedure and non-compliance with parameters established by international health organizations, such as the World Health Organization (WHO) and the Pan American Health Organization (PAHO). These organizations have provided global guidelines to ensure an effective and correct treatment of blood transfusions worldwide, including the process of extraction, verification, treatment, storage, and distribution, in order to guarantee quality and fluid safety.

Despite current efforts of monitoring and screening, it is not possible to guarantee 100% that there is no risk of contagion of diseases such as Hepatitis B (HBV), Hepatitis C (HCV), and HIV, due to low compliance with international standards in several countries, as indicated in studies carried out by the PAHO. For example, the results provided by the entity show that in countries of the Andean region—Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela—, although there are regulations in force, they are not sufficient nor respected.

The authors of the book focus their attention on current regulations on the subject in Colombia, analyzing the pros and cons of the procedure, and identify problems to be examined in order to establish a real control, prevent diseases caused by contaminated blood, and avoid their propagation. The analysis offers a view from the perspective of comparative law, human rights, and social security in Colombia, based on the premise that blood transfusions as a medical act are necessary for certain cases, and warns that controls and protocols must be followed during their application to patients; in particular, informed consent is necessary for their origin.

In the second part of the book, the authors address the problem of civil responsibility that can result in cases of damage caused by blood transfusion. According to the regulations in force in Colombia, all blood banks are obliged to carry out screening tests to verify blood viability. The authors analyze Law 100 of 1993, Article 48 of the Political Constitution, as well as Article 49 of the Political Constitution modified by the legislative Act 02 of 2009.

Next, they examine the Agreement No. 117 of 2008 issued by the National Council for Social Security in Health, Law 972 of 2005 that establishes HIV control, and Decree 3039 of 2007 that orders health promotion companies to provide treatment, monitoring, and control for HIV patients. They also discuss Notice 067 of 2007 issued by the Ministry of Social Protection and, in general, all existing regulations in Colombia that are responsible for the subject.

Finally, the authors conclude with an analysis of the medical assistance that should be provided to victims of transmission of diseases caused by transfusion, and their right to receive relevant treatments, no matter whether they belong to the contributory or the subsidized health insurance regime in Colombia.

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Bibliographic references

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