

Toddler hospitalised after Atlanta hospital denies father's kidney transplant for son

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Two-year-old Anthony “A.J.” Burgess Jr, in need of a kidney transplant, has been hospitalized for peritonitis after a hospital barred his father from donating his left kidney after violating probation.

The boy's father, Anthony Dickerson, was scheduled to have the surgery on October 3. After Dickerson was released early on a reduced bond of \$2,000 by Gwinnett County Sheriff's Office on October 2, Emory University Hospital refused to schedule the surgery and barred Dickerson from donating his kidney to his son, pending official documentation of subsequent parole compliance for three months.

“We will re-evaluate Mr. Dickerson [for donor eligibility] in January 2018 after receipt of this completed documentation,” wrote Sharon Mathews, Emory Transplant Center's Lead Coordinator, to the family. The family called her back.

“The lady said, ‘We need your parole information and your probation info,’” Carmellia Burgess, A.J.'s mother, told local station WGCL-TV. “He said, ‘Why?’ ‘We need you to be on good behaviour for three to four months before you can give your son the kidney. And January 2018 we will think about re-evaluating you,’ basically.”

Dickerson is healthy, drug-free, and a “110% match” for his son, who has since been placed by Emory on a recipient waiting list. As of December 2016, 2,159 people are on Emory's kidney transplant waiting list, according to the Scientific Registry of Transplant Recipients. Burgess worries that a January transplant will be too late. She said A.J. is also in need of bladder surgery and that his organs are starting to fail. The child suffered a stroke two months ago.

The family's attorney, Mawuli Davis, says it is unlikely that they will sue the hospital to pursue the kidney transplant surgery. “Quite frankly, we don't

know if baby A.J. has that kind of time,” he told *LawNewz*.

A.J. was born one month prematurely without any functioning kidneys and spent the first 10 months of his life in a neonatal intensive care unit. He is fed intravenously, must be hooked up to dialysis every night, and must undergo bladder surgery every six months to replace the gastronomy tube that drains his bladder five times a day (A.J. is too young for a catheter; according to his mother, he has already undergone five such surgeries). Most infants without functioning kidneys die in utero. The first to survive to birth was born in 2013.

A.J. was admitted to Henrietta Eggleston Hospital for a peritonitis infection on October 29, an infection of the inner wall of the abdominal cavity that threatens the internal organs. It is a common complication of peritoneal dialysis (PD) and the cause of death in 16 percent of PD patients. Burgess said that her son has been vomiting “constantly” and crying in pain.

Dickerson was arrested on September 28 on suspicion of possession of a weapon and eluding police while attempting a felony, according to the authorities. He was on probation for misdemeanor theft and forgery charges. At the time, Emory's Transplant Center sent a letter to Gwinnett County Jail requesting his temporary release.

“If Mr. Dickerson could be escorted to Emory for blood work and a pre-operative appointment tomorrow, September 29, we will be able to continue with the scheduled surgery,” an Emory official said in the letter dated September 28. On October 9, Burgess reported that Emory's decision to bar Dickerson from donating his kidney to his son till January was “final” and that A.J. would have to wait for a kidney from a deceased donor.

The law firm hired by Burgess's family has been in talks with Emory's legal counsel since October 17. According to Davis, Emory was initially unclear about why it insisted on postponing the life-saving surgery.

"Emory's lawyers indicated to me the arrest caused Emory to be concerned about whether Mr. Dickerson would follow through with the post-transplant medical protocol that would be required of a kidney donor," says Harold Spence, another attorney with the law firm.

Emory Healthcare is the largest healthcare provider in the state of Georgia and boasts one of the best organ transplant facilities in the Southeast.

Art Caplan, a professor of bioethics and head of the division of medical ethics at the New York University School of Medicine, told the *Washington Post*, "Usually when centers balk at a donor, it's for some reason having to do with a medical problem that hasn't been disclosed that poses additional risk... or a worry that the donor can't follow up with medical care if something goes wrong. But I don't find either of those particularly great reasons not to use him as a donor."

A physician at Emory who was "outspokenly opposed" to the hospital's decision offered to speak on camera to CBS46 reporter Dante Renzulli, telling him over the phone, "Even if the father got arrested again, he'd be allowed to leave the prison to fulfill his donation obligation and get medical care. He also felt that the risks to the father's health didn't outweigh the baby's need for the kidney." But moments before the physician was due to appear on camera, he canceled the interview. "Someone at the hospital convinced him not to speak publicly on this," Renzulli reported.

Burgess has started a petition to convince Emory University Hospital to reschedule the surgery and a fundraiser to help cover the costs of A.J.'s care. The family is searching for other hospitals willing to transplant Dickerson's kidney to A.J. and is desperate enough to travel to transplant centers outside of the state of Georgia.

"[A.J.] has been fighting for his life since the day he came into this world," wrote Burgess on the GoFundMe page on October 13. "Due to this I have been unable to keep a stable job because of numerous doctor's appointments and the smallest thing causing him to end up back and forth to the hospital. I am just trying to get some financial stability because I still have to provide for all of my kids as well as myself."

A.J.'s family has been met with an outpouring of support from workers all over the United States and internationally, with over 56,000 signatures on the petition and almost \$9,000 donated to the family. Burgess wrote on Facebook that 11 people have approached her since the beginning of October, offering to donate their own kidneys to her son.

A.J.'s case is not an aberration. Countless families in the United States routinely forego vital medical care, struggling on stagnant and falling wages, unable to shoulder hefty hospital bills and out-of-pocket costs. The desperate financial straits faced by A.J.'s family is a common tragedy under the capitalist system, which subordinates the health of workers and their families to the profit interests of insurance companies and health care providers.



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