



# THE QUEEN'S MEDICAL CENTER

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Representative Ryan Yamane, Chair  
Representative Scott Y. Nishimoto, Vice Chair

LATE

Tuesday, February 10, 2009 – 8:30 a.m.  
State Capitol, Conference Room 329  
**HOUSE COMMITTEE ON HEALTH**

## In Opposition to HB 1539 Relating to Medical Treatment

Chair Yamane, Vice Chair Nishimoto and Members of the Committee,

My name is Robin Fried. I am the Director of Risk Management at The Queen's Medical Center, the largest private tertiary care hospital in the State of Hawaii. I am testifying for The Queen's Medical Center in opposition to HB 1539, mandatory disclosure of adverse events.

Queen's is committed to ensuring the safety and quality of care for its patients 24 hours a day, 7 days a week. While we support open communication and appropriate disclosure to patients and/or patient's personal representatives, we find this bill to be unnecessary and duplicative of existing law and accreditation standards, as well as ambiguous in key aspects.

The proposed language is duplicative of existing law and accreditation standards as follows:

- HRS § 671-3(5) and longstanding case law holds that the treating physician has the duty to obtain informed consent. It follows that the physician has the duty of disclosure of any actual complications and is in the best position to address the medical issues.
- The Joint Commission currently requires accredited hospitals to ensure that the patient or surrogate decision-maker is notified about "unanticipated outcomes of care, treatment and services related to sentinel (major adverse) events".

The proposed language is ambiguous with regard to the following:

- The definition of provider includes both physicians and health care facilities. In situations where the physician is an independent practitioner, not a hospital employee, it is unclear who bears the responsibility for notification – the hospital or the physician.
- The definition of "adverse event" is overbroad and could include almost any complication that may occur.
- The bill provides that failure to comply may subject a health care provider to penalties, yet provides no clear standards for compliance, raising issues of due process.

The Queen's Medical Center urges you to defer HB 1539. Thank you for the opportunity to testify.

Robin Fried, JD, MS