

March 12, 2023

Opponent Testimony

ORAL

Lauren Shiffman

Lenexa, KS Senate District # 21

Dear Chairwomen Gossage and Committee Members:

I am here today to testify in opposition of this bill. It is unfortunate as I deeply support the concept, but as written, it does not protect patient rights. At the end of the bill, it gives all the rights to the hospital under the guise of their policies with no option for challenge even if any part is unreasonable and could deny patients visitors.

For example, line 42 states, “modify visitation based on a patient’s condition or need for rest”. That is an open invitation for abuse and to deny care whenever they want with this subjective verbiage. **The only person who should be able to decide if they want a visitor is the patient or power of attorney for those who can’t speak for themselves.**

This bill gives the hospital basically cart blanche to write any policy they want with no legal recourse.

We MUST change this bill. We must bring liability back to the facilities to challenge any unreasonable polices.

Please make our bill more like Florida! They passed this law last year. <https://m.flsenate.gov/Statutes/381.026>

Excerpts from the bill:

“A patient has the right to bring any person of his or her choosing to the patient-accessible areas of the health care facility or provider’s office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, unless doing so would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated by the facility or provider.”

“A patient has the right to refuse any treatment, except as otherwise provided by law.”

“A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or health care facility which served him or her and to the appropriate state licensing agency.”

“A patient is responsible for his or her actions if he or she refuses treatment or does not follow the health care provider’s instructions.”

HB2264 bill is dangerous, and I know because I lived it.

My mother was admitted to the hospital with pneumonia last year after she contracted Covid. She was 15 days past her illness at time of admission, well past science confirmed viral replication, meaning she was no longer contagious.

Did anyone ever ask the day of her illness to determine the correct care plan or the safety of visitors? No! She was just slapped Covid, no visitors allowed.

On day 1, the doctor tried to give my mom remdesivir. We vehemently objected. He was perplexed...why? Over the phone, I told him she was on day 16 and remdesivir is an anti-viral drug only effective on days 1-7 and she is well past viral replication and there is no efficiency at this point. After this reminder, HE AGREED! And stated, Remdesivir would not help her. Again, he was not looking at her chart! ***What would have happened if I wasn’t on that call? She would have gotten an unnecessary potentially damaging drug.***

On day 2, I’m still not allowed in, but continuing to plead my case that she is no longer contagious. I continued to call every day at med pass, shift change, and during rounds. See, I know how the medical system works as I work in it.

So then, the doctor says my mom is declining and if I don't agree to give her tocilizumab *immediately* on the spot, she is going to die.

I state I need some time to research this drug and the side effects. Not a lot of time, just 10 minutes. We were being bullied, she was forceful, and adamant, she needed an answer immediately. But this wasn't true, she just didn't want to have to come back and have to chart later. And after much debate on dexamethasone vs methylprednisolone, she finally conceded to my wish for methylprednisolone as she could not effectively state a difference.

That afternoon, I call in at med pass to check my moms' meds. Shockingly, no tocilizumab! Where was that "life saving" medication that the doctor went to the mat on and demanded an answer immediately or my mom would die? The nurse said, augh, she deemed it unnecessary.

It took 3 days to get clearance from infection prevention to be able to visit after pushing and pushing...

I am grateful to be able to overcome these hurdles; only possible because I knew how to work the system. But there should never be a need to fight so hard for a mom to see her daughter. My mom was sick, scared, and needed me.

I just can't see how HB2264 as written would change what happened to me and my Mom in any way. All the hospital would have to do is claim, my mom needed rest and I would be locked out!

PLEASE DO NOT PASS THIS BILL WITHOUT MY AMENDMENT SUGGESTION ABOVE FROM THE FLORIDA BILL. PLEASE ELIMINATE LINE 9 ON FROM PAGE 2 AND ALL OF PAGE 3.

Sincerely,

Lauren Shiffman
Lenexa, KS