

Testimony of Brian Wilhite, Wichita  
Proponent - SB 361  
Senate Commerce Committee  
March 8, 2022

My name is Brian Wilhite. I am testifying today to ask that you pass SB 361. Had SB 361 been a law it would have made a big difference for me after I was injured at my job as a charge nurse at Ascension Via Christi in Wichita. Please pass SB 361 so that other Kansas nurses and workers don't have the same experience I have had.

First, I want you to know that I am not one that easily gets sidelined. I enlisted in the Army at the age of 19. I was medically retired after being enlisted for 23 years, and I immediately went back to school to become a nurse. I got my nursing license in 2014 after finishing my bachelor's degree at Newman University. I worked my way up to being a charge nurse in the Medical-Surgical Unit, which was then used as a respiratory step-down unit during the pandemic.

Because of my on-the-job injury, I now am severely impaired. I have had to come to terms with the fact that I will never work again in my field, and then come to terms with the fact that I will likely never be physically able to work any job again.

During the height of the pandemic, I assisted with a patient that, unknown to us at the time, tested positive for COVID-19. I tested positive two weeks later. I ended up in the emergency room a few days later with breathing issues, and a fever but was sent home. My symptoms worsened to the point where I could not stand on my own, causing me to return to the emergency room, at which time I was hospitalized on September 24, 2020.

I was put on a ventilator on October 3<sup>rd</sup>. I was put into a medically induced coma on October 4<sup>th</sup>. On October 5<sup>th</sup> I was placed on extracorporeal membrane oxygenation (ECMO) which is a heart/lung bypass machine. I remained in that state during and after being transferred to Oklahoma City for pulmonary care on October 15<sup>th</sup>. I remained on a ventilator and in a coma until November 11<sup>th</sup>, when I was removed from the ventilator and given a tracheotomy and put on temporary dialysis. I was medically transferred back to Ascension St. Francis in Wichita and was kept at that facility until November 24<sup>th</sup>. My tracheotomy was removed on Thanksgiving Day, and I was admitted back to the hospital for another 10 days because kidney damage had caused me to be unable to control my urination and my bowels.

From September 24<sup>th</sup> to December 2<sup>nd</sup>, I had spent over 8 weeks hospitalized, over 5 weeks on a ventilator, over 4 weeks in a medically induced coma, received a tracheotomy, and then lost control of my bowels, and my kidneys shut down, resulting in a second hospitalization. I was unable to move my legs or arms from severe deconditioning requiring intensive physical rehab.

Today, almost 18 months after my diagnosis, I am still severely impaired by the injuries that were caused by my injury at work. I had a retroperitoneal tear which caused my kidney to float into my spine as result of being put on the ECMO and ventilator. I had to receive 42 units of transfused blood due to blood loss. I had multiple deep vein thromboses (DVT's) requiring me to

be on blood thinners. This has caused intense lower back pain. I am constantly short of breath, so much so that the short flight of stairs into my house causes me to lose my breath. I find it incredibly difficult to breathe without the Oxygen, which I must carry with me at all times. I must be careful not to stand up too fast because of the constant fear of blacking out, which has already resulted in another hospitalization. I have difficulty swallowing, severe acid reflux, difficulty sleeping, and an on again/off again relationship with a Foley catheter. If you don't know what a Foley catheter is, I assure you it is not pleasant.

I cannot overstate how much my injury has changed the course of my life, and my livelihood. I had just turned 49 years old when I was diagnosed with COVID-19. I had intended to work at least another 20 years, or for as long as I could. I worked hard to get my degree and my training once I could no longer perform in the Army. In my position, I was making over \$55,000 a year, and I was slated for pay increases in the coming years. The lifetime cap of \$155,000 won't even cover three years of earnings.

When I found out that Kansas was the lowest cap in the nation, and the lowest by over \$70,000, I was both horrified, disgusted, and scared. I have no idea how that number is supposed to account for the inability to ever work again. It is simply shameful that Kansas is so far behind.

Please pass SB 361. Thank you.

Sincerely,

Brian Patrick Wilhite