

SB 2776

HTH/CPN

baker5 - Leo

From: Allison M. Nakama [ANakama@wik.com]
Sent: Monday, February 08, 2010 12:02 PM
To: CPN Testimony
Subject: SB 2776 testimony scheduled for hrg. on 2/9/10 @ 9:00 AM
Attachments: 02-09-2010_HTH_CPN_KS.pdf

Aloha,

On behalf of The Queen's Medical Center, please find attached testimony re:

SB 2776 - Relating to Anatomical Gifts

Hearing: Tuesday, February 9, 2010 at 9:00 AM

Committee: HTH-CPN

Thank you.

Allison

Allison Nakama
Watanabe Ing LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Phone: 544-6728
Fax: 544-8399
Email: anakama@wik.com

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THE QUEEN'S MEDICAL CENTER

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 538-9011 • Fax: (808) 547-4646

Senator David Y. Ige, Chair
Senator Josh Green, M.D., Vice Chair
COMMITTEE ON HEALTH

Senator Rosalyn H. Baker, Chair
Senator David Y. Ige, Vice Chair
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

February 9, 2010 – 9:00 a.m.
State Capitol, Conference Room 229

In Opposition to SB 2776, Relating to Anatomical Gifts

Chairs Ige and Baker, Vice Chairs Green and Ige, and Members of the Committee,

My name is Karen Schultz, RN Vice President of Surgery, Orthopedics and Behavioral Health at The Queen's Medical Center (QMC). I am testifying for The Queen's Medical Center in opposition to SB 2776 which requires organ procurement organizations and transplant hospitals to procure and transplant medically suitable organs and imposes administrative fines and loss of accreditation for failure to comply.

The Queen's Medical Center is the largest private tertiary care hospital in the State of Hawaii. We offer specialized care in the areas of cardiology, neuroscience, orthopedics, behavioral health, oncology, women's health, emergency services and trauma care. We are designated by the American College of Surgeons as a Level II Trauma Center – the only one in the state.

While we appreciate the intent to improve the quality of life of Hawaii's people who need organ transplantation, we do not believe this bill is necessary. QMC actively works with the Organ Donor Center of Hawaii to raise awareness of the value of organ donation. QMC also participates with Organ Donor Center of Hawaii on a committee that meets monthly to review every potential organ donation case. QMC's organ donation consent rate is comparable to the national average.

The Queen's Medical Center has been actively working with the Organ Donor Center of Hawaii to improve the organ donation rate in Hawaii. We urge you to vote against Senate Bill 2776. Thank you for the opportunity to testify.

Testimony of
John M. Kirimitsu
Legal and Government Relations Consultant

Before:
Senate Committee on Health
The Honorable David Y. Ige, Chair
The Honorable Josh Green, M.D., Vice Chair

and

Senate Committee on Commerce and Consumer Protection
The Honorable Rosalyn H. Baker, Chair
The Honorable David Y. Ige, Vice Chair

February 9, 2010
9:00 am
Conference Room 229

Re: SB 2776 Relating to Anatomical Gifts

Chairs, Vice Chairs and committee members, thank you for this opportunity to provide testimony on this bill relating to Anatomical Gifts.

Kaiser Permanente would like to offer comments requesting clarification on this bill.

Kaiser Permanente respectfully asks for clarification on this bill's drafted language.

In newly amended Section 2, paragraph (k), a statutory damages amount of \$500,000 is imposed against any entity or organization defined in subsection (a)(1) or (3) who "*fails in any manner to retrieve that anatomical gift through medical means[.]*" (Emphasis added).

As it stands now, the bill only provides for an administrative penalty against the entity who "retrieves" or procures the donor organ, while exonerating the entity that may be performing the actual transplant of the organ.

Kaiser Permanente does not perform organ transplant surgery. Instead, Kaiser Permanente procures the donor organs and once harvested, it sends the donor organ to the Centers of Excellence to be transplanted to recipients. Kaiser Permanente has a network of over 120 programs nation-wide where its members are referred for transplantation.

Thank you for your consideration.

711 Kapiolani Blvd
Honolulu, Hawaii 96813
Telephone: 808-432-5224
Facsimile: 808-432-5906
Mobile: 808-282-6642
E-mail: john.m.kirimitsu@kp.org

CHARLES K.Y. KHIM

Attorney-At-Law

Clifford Center, Suite 502
810 Richards Street
Honolulu, Hawaii 96813-4700

Telephone: (808) 537-5305
Facsimile: (808) 599-6218
E-Mail: ckhim@khimlaw.com
Letterhead Created & Printed In-house

January 4, 2010

Testimony in Favor of SB 2776
(Relating to Anatomical Gifts)

To: Chairs: Sens. David Y. Ige and Rosalyn H. Baker

Vice-Chairs: Sens. Josh Green and David Y. Ige

Members: Senate Committee on Health and Senate Committee on
Commerce and Consumer Protection

From: Charles K.Y. Khim, Esq. – Attorney at Law, Diabetic,
Former Kidney Dialysis Patient and Kidney Transplant
Recipient, and **Member of the American Diabetes
Association of Hawaii Legislative Advocacy Group**

My name is Charles K.Y. Khim, Esq. and I am an attorney who is, and has been licensed to practice law in Hawaii for the last thirty years. However, I come before you today not as an attorney but as a Type II diabetic who suffered total kidney failure as a complication of diabetes, and who had a second chance at life due to a kidney transplant.

Thank you for this opportunity to present testimony in favor of SB 2776. This bill provides for the enforcement of the organ donor gifts procedure set forth in HRS, Chapter 327. It is unfortunate that currently the organ donor provisions in HRS, Chapter 327 are being disregarded, especially as it applies to the good persons of our State who designate on their driver's license that they are organ donors.

As it stands now, it is meaningless for an individual to designate on his or her driver's license that he or she is an organ

donor because that last will and testament to be an organ donor is being totally ignored by the organ transplant procurement organizations.

This failure to follow the law by failing to follow the donor's last will and testament concerning his or her transplantable organs, as most often expressed on his or her driver's license, results in many individuals' last wishes being ignored and many deaths of individuals who die because their internal organs fail due to diseases such as diabetes, while waiting for a transplant of an organ.

This bill remediates that problem of organ transplant procurement organizations failing to follow the law by placing enforcement provisions in HRS, Chapter 327.

This bill will save lives inasmuch as currently one out of seven people will become diabetic and one of the most common medical complications which result from diabetes is kidney disease which ultimately results in Kidney failure, and the need of that person to be placed on dialysis. Many such patients who are on dialysis die while waiting for an organ transplant.

Due to the failure of organ donor donation receiver organizations in Hawaii to obey the law concerning organ donations and retrieve all of the organ donations which are made, I had to resort to going to San Francisco, California in order to obtain an organ donation in order to receive a life saving kidney transplant.

Fortunately, I was of the financial wherewithal to be able to afford to stay in a hotel in San Francisco for one month to undergo the kidney transplant operation, the subsequent medical procedures which were necessary because of complications which resulted from the transplant (because of the serious nature of kidney transplant operations, often complications arise from the transplant operation) and the recuperation period which was necessary to recover from this serious operation.

However, I am aware that most persons, through no fault of their own, are unable to financially afford to take off a whole month from work to go through the organ transplant procedure, and the cost

of staying in a hotel in a mainland city. This is why I am volunteering to pursue this bill – for the average person, the “little guy” who has the bad luck to suffer from a debilitating disease which requires an organ transplant.

There is no good reason for the organ donation recipient organizations’ failure to follow the law. The fundamental reason why they violate the law is that refuse to do their jobs properly, because if they do it might involve performing unpleasant emotional tasks *vis-à-vis* the next of kin of the organ donor.

Thank you for this opportunity to present testimony before this honorable committee. If any of committee member has any questions, I will be more than glad to answer them at the appropriate time.

CKYK:rwd