



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO
PUBLIC HEALTH COMMITTEE
Wednesday, March 14, 2007**

SB 1144, An Act Establishing A Central Index For Advance Health Care Directives

The Connecticut Hospital Association (CHA) appreciates this opportunity to present testimony concerning **SB 1144, An Act Establishing A Central Index For Advance Health Care Directives**.

Some of the specific elements of SB 1144 raise concerns with respect to patients' rights, confidentiality and privacy, and the ability to carry out their end-of-life decisions or other advance healthcare directives. Hospitals have substantial experience working with patients to ensure that their wishes are carried out within the existing legal structure of numerous statutes and regulations, as well as ethical considerations, relating to the validity and use of advance healthcare directives. Hospitals understand the possible pitfalls that can lead to a person's wishes not being properly, and legally, conveyed. CHA is happy to share this level of experience for the purpose of improving patient self-determination, and to avoid these pitfalls. We are working with the bill's sponsor in an effort to reach solutions to some of the immediate concerns raised by SB 1144, as drafted.

To make this type of advance healthcare directive index functional, it would have to be utilized by hospitals and nursing care facilities across the state. Unfortunately, many institutional providers would likely be unable to risk accessing the index for fear of liability should the system fail or experience errors. In order to make the indexing system a viable option for Connecticut's citizens, we respectfully request that all healthcare providers, including institutions, who use the index on behalf of a patient, be granted immunity from any and all civil claims relating to use of the index. This could be accomplished by affording healthcare providers the same protection granted in the bill to the state and state actors, by revising Section 1, subsection (j) to read as follows:

(j) The state of Connecticut, the Secretary of the State, any agent or person employed by the Secretary of the State, and any healthcare provider or facility shall be held harmless and immune from any liability or causes of action arising out of the use, administration or operation of the advance health care directives central index.

Thank you for your consideration of our position.

For additional information, contact CHA Government Relations at (203) 294-7310.