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Good afternoon, Senator McDonald and Representative Lawlor and distinguished members of the Judiciary Committee.

I am Colonel Bill Tyra, United States Marine Corps. I am here in support of *Senate Bill 1091, a legislative Act Concerning Complaints Pending in the Department of Public Health*. The bill is important for improving our healthcare system, one that is error-free and responsive to both patients and healthcare professionals.

In 1998 my teen-age daughter was fatally injured by medical negligence during what was supposed to be a "routine" procedure. Sadly, the negligence that caused her unnecessary death was covered up by her physician. As later substantiated in criminal court, her physician willfully misrepresented her treatment and altered her medical record to make it appear she had been treated properly. He was convicted on five felony counts in federal court and dishonorably discharged from the Army. A presiding judge stated "this physician should never be allowed to practice medicine again."

Despite being convicted for criminal misconduct against a minor in an operating room, a state Medical Examining Board failed to take action against this felon's medical license. This happened because he misrepresented his convictions during closed-door deliberations with a Medical Examining Board. As the complainant, I was not allowed to observe nor participate in the hearing. Clearly, one-sided deliberations are not in the best interest of accountability and the proper credentialing of health-care professionals.

A pattern of inaction, stonewalling, and misleading statements surrounded my daughter's tragic treatment. The truth would have remained buried had Katie's family not struggled vigorously for the truth. A struggle made difficult by hospital investigative processes and a Medical Examining Board whose closed doors may obscure the truth and undermines the safety of the people they serve.

According to an Inspector General's report released by the Federal government in 2004, hospitals have ineffective systems to adequately investigate serious injuries involving questionable care. They also lack formal procedures to adequately collect, preserve, and analyze critical medical data. And finally, their investigative processes focus on preventing future occurrences and not investigating events suggesting negligent care. Therefore, complainants who believe they have suffered negligent care must seek answers and accountability from outside their hospital. They go to the state Medical Examining Board.

Since hospitals frequently lack open and rigorous investigative processes for complex events, it is necessary that deliberations of our Medical Examining Board are transparent and responsive to a complainant. For a hearing to be fair and impartial, both parties in a dispute must be allowed equal access. Both the complainant and the concerned health care professional must be allowed to provide testimony, share information, and be present at a board's final deliberations. Unfortunately, the current process is unfairly one-sided as only the health-care professional is allowed to participate in deliberations and entering of "Consent Orders."

The language proposed in Senate Bill 1099 provides complainants with an equitable and timely opportunity to participate in deliberations regarding their personal safety and welfare. By legislating the equitable participation of both parties in a dispute before the Medical Examining Board, the interests of fairness, accountability, and public safety are served.