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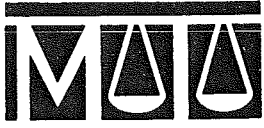
MASSACHUSETTS ACADEMY OF TRIAL ATTORNEYS

**House Bill 2233 and Senate Bill 1338
“An Act Relative to a Patient's Right to Know of the Re-Use of
Certain Medical Devices Manufactured for a Single Use”**

MATA Opposes House Bill 2233 and Senate Bill 1338

The Massachusetts Academy of Trial Attorneys opposes House Bill 2233 and Senate Bill 1338, to the extent that it grants immunity to original device manufacturers. On it's face, HB2233 and SB1338 provides patients with a right to know of the re-use of certain medical devices manufactured for a single use. While this is a commendable objective, the language within subsection G immunizes the original product manufacturers from **all** liability related to the device unless they provide *express and specific consent* to the use of the reprocessed device in the *specific* circumstances in which such a device causes injury to a patient.

Section G would have the practical effect of shielding device manufactures from liability for injuries arising out of defects in their product, even if the defect resulted from the original manufacturing of the device and had nothing to do with the reprocessing. If an injured patient were unable to obtain adequate compensation from the re-processor, because of inadequate



insurance, bankruptcy, or other reasons, the patient would have no recourse against the product manufacturer, even if it was found responsible for the defect. MATA opposes such broad immunity for product manufacturers, who already have adequate protection under law, and urges the legislature to re-address the issue of liability for a re-processed device in a manner that does not harm the patient.