

David M. Barrett, MD
President
Chief Executive Officer
Chair, Board of Governors

September 10, 2007

The Honorable Peter J. Koutoujian, Chairman
Joint Public Health Committee
State House
Room 130
Boston, MA 02133

(Letter in Opposition to S 1338 and H 2233, An Act Relative to Patients' Right to Know of the Reuse of Certain Medical Devices Manufactured for A Single Use)

Dear State Representative Koutoujian:

I am writing to express Lahey Clinic's strong opposition to two bills before your Committee: Senate Bill 1338 and House Bill 2233. These are identical petitions purporting to advance patients' rights and protections, but which, in reality, would impose increased costs, decreased efficiencies, confusion, and delays in delivering critical care and interventions.

Both petitions target the reprocessing and reuse of medical devices by a health care provider. They require cumbersome, and in some cases duplicative, reporting and consent procedures, while rewriting established legal principles for the benefit of one group of manufacturers.

Lahey Clinic provides a full spectrum of care, including community-based practices, ambulatory clinics, and inpatient hospital services. In 2006, we had close to 13,000 ambulatory surgical cases, over 52,000 emergency room visits, over 20,000 discharges from our inpatient service and 711,187 outpatient medical encounters.

One provision of the petitions before you would require, for each patient represented by those numbers, that we issue and process a separate and distinct consent form relating solely to the potential use of a reprocessed medical device, whether or not that particular patient was deemed likely to need such a device. Further, we would be required to have either the attending physician, or that physician's designee, verbally explain to each patient the contents of that consent form and "ensure that the patient understands" its provisions.

A major challenge facing Lahey, and our colleagues, is securing an adequate number of primary care physicians, nurses and other medical support staff to meet patient demands and needs. Diverting limited, and costly, professional time in the manner required by that provision does not enhance patient care or safety. It reduces it.

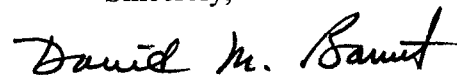
Other provisions of the legislation impose duplicative reporting requirements on health care providers, adding administrative expenses to our operations at a time when we all are working diligently to reduce administrative burdens and costs, streamline operations and increase operational efficiencies. That is counter to other policy initiatives and counter to the mandates of cost containment inherent in our efforts to expand health insurance coverage and health care access to all of our residents.

Health care providers, including Lahey Clinic, are acutely aware of their responsibility to provide only safe and effective care to their patients. Using reprocessed devices would not be considered if that practice had not been clinically established as safe and effective. Multitudinous agencies and private entities subject us and our practices to oversight, licensure, certification and quality assessments. Outcomes are measured, costs are ranked, and pressure is applied to always do better, and to do so at lower costs. We have always met those challenges, and will continue to do so. But we cannot meet the cost and effectiveness expectations placed on us if we are unnecessarily and duplicatively burdened with administrative and operational constraints and mandates.

Lahey Clinic is proud of the services and care we provide our communities and proud of the contributions we make to the many public and privately sponsored collaborative efforts at continuously improving access, quality, and cost effectiveness in our health care system. We will continue to work you and others to advance the goals of increased quality and effectiveness. As we keep moving forward, we ask only that we not be faced with needless obstacles and hurdles that are counter to those efforts..

Thank you for your consideration of our concerns. Please let me know if I can provide any further information to assist you in your deliberations.

Sincerely,

A handwritten signature in cursive script that reads "David M. Barrett".

David M. Barrett, M. D.