

## Hospital Infections: *“Culture of Secrecy?”*<sup>TM</sup>

by Professor Michael Myers

What hospitals do not tell you can make you sick; even kill you. Enter if you must, but do not be naïve. You have a one-in-twenty chance of contracting an infectious disease.

That translates to two million infected patients per year, 90,000 of whom die; a death toll greater than automobile accidents and homicides combined. And when a person dies from an infection, it may simply be charted as death *“resulting from the complications of surgery.”*

Despite this death toll, hospital infection rates are rarely publicly disclosed. Only six states—with Florida, Pennsylvania and Illinois taking the lead—have enacted legislation compelling hospital-specific disclosure of infection rates. Consumers Union, the nonprofit publisher of Consumer Reports, is spearheading a nationwide campaign to require hospitals to disclose their infection rates.

States like South Dakota, North Dakota, Minnesota, Iowa, Nebraska, Colorado and Missouri have thus far chosen to keep this critical element of *“informed consent”* under wraps. The legal doctrine of *“informed consent”* presumes a patient must be told about the advantages and the risks of proposed treatment.

State hospital associations have resisted legislation mandating disclosure despite the fact that danger from these infections is worsening. Increasingly, these infections cannot be cured by commonly-used antibiotics.

In 1974, only 2 percent of staphylococcus aureus infections were methicillin-resistant. By 2003, that figure had soared to 57 percent and now is more than 60 percent. At the same time, a pilot project involving 29 Iowa hospitals has demonstrated that drug-resistant infections can be reduced by as much as 85 percent with aggressive education.

Hospital infections add \$30.5 billion to the nation’s health care costs. An unintended irony is the fact that patients, directly or through their insurance carrier, must pay a hospital for treating the infectious disease it caused. In that sense, hospitals profit from the diseases they cause.

The next time you or a member of your family is admitted to a hospital, ask the attending physician about the hospital’s current infection rate. Unless you live in one of the six states requiring public disclosure, it is unlikely the physician will know the rate, or be allowed to disclose it.

(Pro bono legal information, advice and assistance is available to persons 55 and older through the USD Senior Legal Helpline, 1-800-747-1895)

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