

Getting News of Patients to Kin

Legislation: Two women press for laws requiring notification of relatives when hospitalized people are unable to communicate.

By JULIE TAMAKI, Times Staff Writer

SACRAMENTO--For nearly a week, Studio City resident Janet Greenwald carried on her work as a screenwriter unaware that one of the most precious people in her life lay injured thousands of miles away.

It was the spring of 1995, and Greenwald's 71-year-old mother, Elaine Sullivan, had slipped and fallen in her Chicago-area apartment. Unable to speak, Sullivan was admitted to a hospital where she remained for more than five days before a social worker alerted Greenwald and her daughter, Laura.

"We asked a doctor if we could talk to her on the phone, just so that she would know that Laura and I were here," Janet Greenwald said. "He told us that phones are not allowed in [intensive care units]."

Sullivan died alone of kidney failure on her seventh day at the hospital because the Greenwalds were unable to catch a plane in time to be by her side.

The two women have since spearheaded efforts in the California and Illinois legislatures to have laws passed that would prevent their experience from being repeated.

The legislation would require that when a patient is unconscious or otherwise unable to communicate, hospitals must make a good-faith effort to notify family or another individual who can act on the patient's behalf.

The Illinois measure has won the approval of that state's Legislature and is awaiting Gov. George Ryan's signature. The California version of the bill, SB 1021 by Sen. Jackie Speier (D-Hillsborough), is scheduled to be heard next month in an Assembly committee.

"We figured out that in only four states, if someone is unconscious and unable to give consent, then next of kin must be called," Laura Greenwald said. "We found a statute in Minnesota and thought it should be a law in California."

Texas, Hawaii and Utah are the only states with laws similar to the one in Minnesota, a state Senate staff analysis shows.

The California Healthcare Assn., which represents hospitals, has declined to take a position on Speier's measure. But the legislation has won the support of AARP, formerly the American Assn. of Retired Persons.

"We are concerned that if someone is unconscious in a hospital that there is a requirement that family members be notified so they can visit and be active in their treatment," said Suzanne Miller, an AARP spokeswoman. "With 3.3 million residents over age 65, California is home to the largest elderly population in the country."

Peter Warren, a spokesman for the California Medical Assn., said his group has not taken a position on the measure, but "as individual physicians, we think it would be a good idea to solve the riddle that families are presented when their loved ones are unconscious and nobody knows where they are."

Janet Greenwald has brought a wrongful-death lawsuit against Our Lady of the Resurrection Medical Center, which is where Sullivan was taken after falling and breaking her top dental plate. A spokeswoman for the medical center said she was unaware of a lawsuit by Greenwald and could not address the allegations.

The suit accuses the hospital of failing to order and review Sullivan's chart from a prior admission.

Greenwald says her mother had previously stayed at the facility after having a stroke, so the medical center had Sullivan's records containing her daughter's phone number. She also said her mother's physician worked out of the same hospital, but was never notified that Sullivan had been admitted.

The suit alleges that the facility failed to notify Sullivan's family of her admission and condition.

The Greenwalds say they were told by a social worker that Sullivan had fallen and that they needed to make a decision about nursing care if it were needed once she left the hospital. The women say they tried repeatedly to get a doctor on the phone, and that when they finally succeeded, they were told that Sullivan was in a vegetative state and might not survive.

"It just makes you feel like someone else has closed a door on you that can never be opened," Janet Greenwald said. "There is no amount of money or legislation that can give us that moment back."