

Testimony of
Kerry Burns

October 20, 2009

Chairman Whitehouse, Ranking Member Sessions, Members of the Committee, thank you for the opportunity to participate in today's hearing. My name is Kerry Burns, and I am from Coventry, RI. I am here to tell the story of my family's medical debt. My story starts in 2004 with the birth of my son, Finnegan. A day after Finnegan's birth, he was diagnosed with Cystic Fibrosis, something that shocked and devastated me and my husband, Patrick. Finnegan was a fighter from the start--after some initial difficulties, he thrived in all areas. He was a bright, funny, caring and loving little boy, who was the light of our lives. Finnegan was hospitalized in intensive care for thirteen months before he passed away this past March at four and a half years old.

In February 2008, Finnegan became sick with what we thought was just a common cold. After several days of vomiting and simply not feeling well, Finn's doctors suggested we bring him to the hospital to see if he was dehydrated. When we brought Finn to the emergency room, the doctors ascertained that he had a major bowel obstruction, which required surgery. The night of the surgery, Finn went into cardiac arrest and we were told by the surgeon that Finn would likely not survive the necessary emergency surgery.

Finn did survive that surgery. He had six surgeries in his first nine days in the hospital, and survived countless others. He was intubated for almost two months and then received a tracheotomy. Finn was in very rough shape, but slowly, amazingly, his condition began to improve. He showed a fierce spirit and will to live. Finnegan spent a total of eight months at Hasbro Hospital in Providence. We were then sent to Yale University for transplant evaluation. It was determined that Finnegan would require a multi-organ transplant, and we were transferred to Georgetown University Hospital here in Washington.

My husband and I stayed right by our son's side during every step of his fight. To do this, we both had to take leave from our jobs. We could not, however, have anticipated how long Finn's treatment would last, or the ultimate financial ramifications of our decision to be with him. During this period, we had only temporary disability income and unemployment benefits, which were far less than we had earned before. We struggled to pay our monthly bills including our mortgage. As our money dwindled and the bills began to pile up, we did everything we could to keep our heads above water, including cashing in our retirement funds and selling belongings for extra money. Once we were sent to Georgetown for care, we sold our second car. Family and friends were gracious and generous enough to donate money to help us.

Eventually, the bills piled up beyond our ability to pay them. We were forced to default and, despite our circumstances, creditors were unwilling and/or unable to work with us. They wanted money and we simply had none to give them. The collection calls were unrelenting--upwards of 30 calls to each our cell phones each day--all while we were in an intensive care unit willing our son back to health.

As Finn's hospitalization stretched from weeks to months, we had to make difficult decisions

about which bills to pay. The top priority was retaining ownership of our home and I am proud to say that we were able to make our mortgage payments through ten months of Finn's hospitalization. Unfortunately, starting this past January, we were no longer able to make our mortgage payments.

The emotional hardship my husband and I endured over the course of our son's hospitalization pales in comparison to what we have felt since his loss--losing a child is the greatest injury for a parent and something we would not wish on anyone. As if this loss were not enough to handle, and rebuilding our lives without our son was not hard enough, we have been faced with financial ruin.

When people hear about our story and our financial problems, it is often assumed that we did not have medical insurance to cover Finn's expenses. We did have insurance, and the vast majority of Finn's treatments--totaling nearly five million dollars--were covered. We were lucky enough that my husband's former-employer covered our insurance for several months. After that, we had to pay extensive COBRA fees to maintain our insurance until being approved for state sponsored health care.

Our return to RI from Washington was difficult for many reasons. First and foremost, we came "home" without the most important person in our lives. We had so little money left, that I was selling belongings on EBay to get gas and toll money for the ride home. Back in RI, we did not return to our house, as we were unsure of when the foreclosure process would actually "take" it--instead, we lived with friends in their apartment for two months. We had difficulty renting an apartment because our credit has been ruined. In order for both my husband and I to return to work, we need two cars. We only have one, and will be unable for some time into the future to obtain a second.

I had no prior knowledge about how one would file bankruptcy, and certainly never thought I would be in the position to have to do so. I have found that it is a demeaning and demoralizing process, one that my husband and I are in through no fault of our own. We simply made the right choice as parents, to be with our son in his greatest time of need. In order to file bankruptcy, we needed money for a \$250 retainer and a \$1300 filing fee. We had to borrow the money needed to "officially" go bankrupt.

As if this were not enough, a credit counseling class is required, both before and after the filing, with fees in addition to the other costs of filing. My husband and I sat down to take this class online, and were surprised by the tone of the questions--which seemed quite insulting, which included those about why we are going bankrupt and how we could have avoided the situation in which we currently find ourselves. In addition, the course required us to recalculate and resubmit the financial information already submitted to our lawyer.

I believe the Medical Bankruptcy Fairness Act, introduced by Chairman Whitehouse, would help families like mine recover from medically-based financial hardship. As I understand it, the bill would waive some of the procedural hurdles to bankruptcy relief including the humiliating credit counseling requirement. The bankruptcy system needs to be modified to take into account how people came to bankruptcy.

I have worked since the age of 14. I have a master's degree and have spent my professional social work career helping others. To not be able to help myself and my husband financially, after not being able to save my son, is embarrassing and shaming, and truly adds insult to injury. It is my hope that by sharing our story, changes can be made to the system to help others in similar situations in the future. Thank you.