

Senate Bill 1448 An Act Extending the State Physician Profile
and Related Malpractice Reporting Requirements to Certain Other Health Care Providers

Statement of Robert L. Hirtle

Senator McDonald, Representative Lawlor and members of the Judiciary Committee:

I am Attorney Robert L. Hirtle of Hartford. I have been general counsel to The Connecticut Chiropractic Association since 1971 and during that time I have defended most of the malpractice claims made against chiropractors in this state.

I would like to talk about fairness and tell you a little bit about what has been going on here at the General Assembly this session with regard to the practice of Chiropractic.

The session began with a bill which proposed that chiropractors - and only chiropractors - be added to the malpractice data reporting law. The Connecticut Chiropractic Association thought that was unfair and said so because it singled out chiropractors for special treatment. That approach is wrong.

Almost immediately, a second bill surfaced. This one required that chiropractors - and only chiropractors - obtain written informed consent statements from their patients prior to administering any treatment. The Connecticut Chiropractic Association thought that was unfair and said so because, again, it singled out chiropractic for discriminatory treatment.

Then, a third bill was proposed to penalize chiropractors - and only chiropractors regarding the use of the word "doctor". The Connecticut Chiropractic Association thought that was unfair and said so.

Today, you might hear the same criticisms of Chiropractic voiced before other Committees. It is obviously tragic when something goes wrong with a medical procedure. Unfortunately, adverse consequences sometimes happen. They happen in every medical specialty. I can tell you that the risks of adverse consequences from Chiropractic are very small. The procedures are safe and they work for thousands of patients in Connecticut every day. The incident of harm is approximately once in five years. At the present time there are no chiropractic malpractice cases pending in Connecticut courts.

From day one, we have made essentially one point to the various committees that have reviewed these anti-chiropractic bills. Hold us to any standard or rule you want to, but apply it equally to all other medical professions. Don't just single us out.

Senate Bill 1448 involves adding certain medical professions to the so-called physician's profile which is easily accessible on DHP's web site.

If you are going to require profiling of Chiropractors, then add every other licensed medical profession to this bill. Several professions are missing from it right now. You need to add in physical therapists, opticians, occupational therapists, accupuncturists, nurse midwives, among others.

If you do that, the Chiropractic profession will support Senate Bill 1448.

We are happy to have this scrutiny of our profession. The best indicator of the risks of medical procedures can be found in the malpractice premiums that members of the profession pay.

The average full-coverage policy for chiropractic in Connecticut - which provides \$1 million in coverage for an individual claim and \$3 million for all claims - is \$3,000.00 per year. Yes, I said *per year*.

If our members had a problem with malpractice, then it would show up in their premiums. It hasn't - because chiropractic is not a high risk health care profession.

On behalf of all of the members of the Connecticut Chiropractic Association, let me close by saying it is time to end these attacks on Chiropractic. Bills that are drafted to hurt just one specific profession should not be passed. They are wrong.

Senate Bill 1448 provides some degree of fairness. We can support it if you include all health care professions.

Thank you.