



160 St. Ronan Street, New Haven, CT 06511-2390 (203) 865-0587 FAX (203) 865-4997

Connecticut State Medical Society Testimony in Opposition to
Senate Bill 1091 An Act Concerning Complaints Pending in the Department of Public Health Against Physicians
and Other Health Care Providers
Submitted to the Judiciary Committee
March 20, 2009

Senator MacDonald, Representative Lawlor and members of the Judiciary Committee, my name is Dr. Doug Gibson and on behalf of the over 7,000 members of the Connecticut State Medical Society (CSMS) I thank you for the opportunity to submitted this testimony to you today in opposition to **Senate Bill 1091 An Act Concerning Complaints Pending in the Department of Public Health Against Physicians and Other Health Care Providers**. While CSMS remains committed to working with policy makers to increase transparency in all aspects of the health care delivery system and to increase patient participation and involvement in the process. Although we understand the intent of the legislation our concerns with the bill lead us to ask you to oppose this legislation.

Prior to commenting on this proposed bill in specific, it is important to point out that CSMS has worked over the past years with members of this General Assembly, the Department of Public Health (DPH) and other stakeholders and policy makers to strengthen the Medical Examining Board (MEB), increase its powers and to ensure that physicians who come before the MEB are efficiently, effectively and properly adjudicated. We welcome the opportunity to continue working with members of this committee to ensure that physicians in Connecticut are delivering the highest level quality of care.

Additionally, CSMS continues to assert that Connecticut should follow the lead of several other states as well as the Federation of State Medical Boards and establish an independent and autonomous MEB. The creation of a self sustainable, diverse, transparent and effective independent Board would serve the best interest of Connecticut residents and physicians.

The process by which the Department of Public Health (DPH) investigates complaints brought by a patient or a patient's representative alleging incompetence, negligence, fraud or deceit is a complex process designed to ensure both patient privacy and due process for the physicians; both of which must be vigorously protected. The investigation and fact finding process is extensive and exhaustive. The process often includes issues not relevant to the specific patient complaint and captures collateral information related to the accused physician. In particular, it identifies information related to other patient's and other clinical situations separate from the complainant patient. Permitting the patient or the patient's representative to attend or have transcripts of such investigation or hearing quite possibly will violate the HIPAA rights of others in the physician's clinical practice. This is just one example of concerns that must be vetted, prior to passing legislation to significantly alter the current DPH investigatory process.

We agree that the patient or the patient's representative should be able to provide the necessary information or testimony to ensure the completion of a thorough investigation. While we offer our resources to work with the Committee on this issue, we strongly urge that the appropriate members of the Judiciary Committee, Department of Public Health and other interested to work in collaboration to identify and address any aspects of the current system that must be improved.