CHA CONNECTICUT HOSPITAL ASSOCIATION

TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
JUDICIARY COMMITTEE
Friday, March 20, 2009

SB 641, An Act Concerning The Statute Of Limitations For Medical Malpractice Actions With Respect To Acquired Brain Injury

SB 1026, An Act Concerning The Tolling Of Time Periods For Bringing A Civil Action While Police Investigations Are Pending

HB 6577, An Act Concerning The Tolling Of The Statute Of Limitations For A Negligence Action By A Minor

The Connecticut Hospital Association (CHA) appreciates the opportunity to submit testimony concerning **SB 641, SB 1026, and HB 6577** concerning various statutes of limitations or repose. CHA opposes all of these bills.

In one form or another, all of these bills seek to expand or extend existing statutes of limitations. Many of these bills are targeted at specific cases or events.

While CHA has sympathy for and fully recognizes the frustration and perspective of the individuals and their families who have brought these issues before you at this point in time, it is imperative that these proposed changes to current law not be made. Connecticut's legal history is replete with events and circumstances where a statute of limitations or repose may have seemed harsh or unjust to an individual when an otherwise valid claim, if it had been timely brought, was lost because it was time-barred. But statutes of limitations and repose serve important interests by balancing the rights of individuals with the needs of society. Preserving a balance is precisely why, at these times, it is most critical that a removed and calm reflection must prevail to recognize and affirm the principles that necessitate having clear, known, and set statutes of limitations and repose.

Our Supreme Court has appropriately and accurately outlined these necessary characteristics that we request you to maintain. As our highest court has explained, statutes of limitations are designed to:

- Promote prompt settlement of the economic and legal affairs of litigants;
- Eliminate unknown potential liabilities after a reasonable period of time has elapsed;
- Provide a degree of certainty in planning;
- Balance the rights and duties of competing interests;

- Prevent unexpected, fraudulent or stale claims;
- Aid in the search for the truth that would otherwise be compromised by loss of evidence, death or disappearance of witnesses, fading memories, and disappearance of documents.

We would be happy to provide you with copies of the cases that include this line of reasoning.

We fully acknowledge that, at this particular moment in time, removing these principled underpinnings of statutes of limitations may seem to promote justice for certain individuals. But we ask you to take a broader view. CHA believes it is in our better interest to preserve this appropriate, long-standing structure that allows individuals, businesses, and society a degree of certainty in decision-making and predictability in their obligations and planning.

Thank you for your consideration of our position.

For additional information, contact CHA Government Relations at (203) 294-7310.