



CONNECTICUT ACADEMY OF
FAMILY PHYSICIANS
CARING FOR CONNECTICUT'S FAMILIES

Statement concerning Senate Bill 222 --

**An Act Concerning Complaints Pending in the Department of Public Health Against
Physicians and Certain Other Health Care Providers and Establishing a Mediation
Program for Medical Malpractice Actions**

**Judiciary Committee
March 24, 2010**

This statement is being submitted on behalf of the 700 members of the Connecticut Academy of Family Physicians in support of Senate Bill 222. We would like to limit our comments to the portion of the bill that address a mandatory mediation program for medical malpractice actions.

We have come before you over the past few years to address the growing medical malpractice crisis here in Connecticut. As we have explained in the past, physicians have been forced to stop delivering babies, retired early, and particularly concerning for family practice, less and less residents are choosing it as their specialty because the income of a family physician cannot cover medical malpractice premiums. Given that the average age of family docs in this state is in the mid 50's, we question where will we get physicians to replace us when there are much better places to go? A serious physician shortage is just around the corner.

Physicians put our patients' needs ahead of our own. We get up in the middle of a night's sleep to attend a patient in need; we miss our daughter's birthday parties or our son's athletic events because a patient is in need; we miss dinner at home with our family night after night because a patient is in need. Marriages are strained or fractured by the tugging between our duties to family and patients. Now the threat of litigation hangs over every encounter with our patients. The days of fearing a malpractice suit because of a surgical procedure gone wrong have been replaced with the fear of "failure to diagnose" cancer, heart disease or stroke. Now we are facing the very real threat that no level of care and concern in the diagnosis and treatment of our patients will satisfy the expectations of a population that sees early detection and cure of all ailments as achievable.

In this litigious climate, when physicians refuse to perform high-risk procedures or care for high-risk patients, will you wonder why? When physicians who deliver babies stop, and women can no longer find obstetrical care will you wonder why? When radiologists refuse to read mammograms; when neurosurgeons stop operating on serious brain tumors; when surgeons refuse to take care of serious trauma cases as "too risky", will you wonder why? When primary

care physicians dismiss from their practices people who refuse to stop abusing their bodies with food, drink, drugs or other substances will you wonder why?

The bill before you would help to remedy this by easing part of the strain on the current Connecticut medical malpractice system. The current system does not require mediation before the commencement of a medical malpractice lawsuit, but the bill before you would. Mediation has been shown to be timely, cost-effective and efficient. Instead of a contentious trial, mediation allows for the parties to craft their own settlement with the assistance of a mediator whose job it is to actually facilitate the settlement. A mediator, unlike a jury, has direct contact with both parties, and has expertise and training in negotiating a settlement between the parties. Mediation can also help to reduce attorney's fees, out-of-pocket costs, and days lost from treating patients for the physician. It also helps to keep the matter private, shorter and less contentious.

We hope that you will support the ability of that physician to continue in your care and that of your constituents by taking another step towards meaning reform and passing the bill before you.

For more information, please contact:

The Connecticut Academy of Family Physicians
Mark Schuman, Executive Vice President
Melissa Dempsey, Government Relations
860-243-3977