

Please Support SB 392

AN ACT CONCERNING INSURANCE COVERAGE FOR ACUPUNCTURE TREATMENTS PROVIDED BY CHIROPRACTORS AND THE MINIMUM PROFESSIONAL LIABILITY INSURANCE CARRIED BY CHIROPRACTORS

Good Morning Senator Crisco, Representative Fontana and distinguished members of the Insurance and Real Estate Committee. I wish to testify in support of Section 3 of SB 392. My name is Britt Harwe and I am president of the Chiropractic Stroke Awareness Group.

Before I begin, I would like to say that Senator Leonard Fasano and Janet Levy, President of Victims of Chiropractic Abuse, both wanted to be here today but are unable testify due to previous commitments. They have both submitted testimony in support of the bill.

Chiropractic stroke organizations are actively promoting a change in the law for the simple fact that the existing required insurance coverage levels are far too low given the severity of some injuries caused by chiropractors. Most chiropractors have acknowledged for years and agree that there is a risk of stroke with a spinal manipulation which could result in permanent disabilities and death. But they disagree among themselves as to the frequency of the occurrence. Chiropractic leaders have put the risk somewhere between 1 - 40,000 and 1-200,000 adjustments. But it is not the rarity of occurrence that should matter. It is the severity of the injury. And when a patient has a stroke from a chiropractic manipulation, it is a very devastating injury. Some people can recover somewhat to regain a normal life while others are left permanently paralyzed. Either way, the costs are extremely high, and to be honest, \$500,000.00 of malpractice insurance does not nearly cover the expenses that one needs in order to survive the years ahead.

The other problem is, that we have heard from hundreds and hundreds of chiropractic patients over the past years, who were seriously injured as a result of a chiropractic manipulation and yet were unable to file a lawsuit because they couldn't find an attorney who would take their case, due to what many attorneys consider a low amount for malpractice insurance. Attorneys would usually tell them that a lawsuit could take up to 4-5 years and there would be costs of taking depositions and finding expert witnesses etc. making the return back to the firm minimal and not worth the risk.

In previous hearings, we have heard chiropractors say that the way they prove that chiropractic stroke is rare is by the number of lawsuits filed by patients who have had a stroke as a direct result of a chiropractic manipulation. If so many patients can't even find a lawyer to take their case because of the low

malpractice premium then the chiropractic industry has no real idea how many strokes that they indeed cause.

Going to a chiropractor is not like visiting a primary care physician's office. Cervical/spinal manipulation is the cornerstone of the chiropractic profession. It is performed on almost every patient, regardless of age, for numerous ailments, wellness and disease prevention every single day. This is the procedure that can cause a stroke in patients. A medical physician does not do anything to almost every patient that walks through their door that could cause an injury as devastating as a stroke.

Death or serious disability due to spinal manipulative therapy is considered an adverse event by Connecticut law. Spinal manipulation is also recognized by the Federal government as the cause of serious injury. Even if it is rare, as chiropractors like to say, those rare patients not only end of having a stroke, but a huge financial burden is also placed on them and their already destroyed families if the chiropractor does not carry adequate insurance. A million dollar coverage will not be a panacea to these stroke victims, but it will enable patients to file lawsuits so that they could at least be relieved of some financial burden.

The average chiropractic stroke victim is somewhere between the age of 25-45. They need some type of care for years and years to come. It isn't fair that the State and the taxpayers bear the expense of most of these occurrences because the chiropractor was not adequately covered by insurance

I had a stroke immediately following a chiropractic manipulation. The hospital bill alone was more than \$250,000. I was able to find an attorney to take my case because the particular chiropractor who injured me had also injured someone previously and as a result, was required to carry at least \$1,000,000.00 insurance. It would have been a total disaster for me had he not had that much insurance. After 4 years of litigation, my case was settled for \$900,000. 00. I was 26 years old when the stroke happened, almost 18 years ago. But back when it happened I couldn't walk, talk or even eat without a feeding tube. After years of therapy and operations, I am now able to walk, talk and I even had my feeding tube removed...just last year. Unfortunately, because I still have disabilities, I am unable to hold a job or financially care for my family.

I strongly urge that this committee passes bill 392 and raises the malpractice insurance rate to at least a million dollars in order to protect the well being of the chiropractic patients of the State of Connecticut.