



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 4, 2011

House Bill 6424, An Act Concerning Medical Examinations
In Personal Injury Actions

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to House Bill 6424, *An Act Concerning Medical Examinations in Personal Injury Actions*. The bill would require defendants in certain personal injury actions to file with the court a request that the plaintiff submit to a physical or mental examination.

Currently, a defendant can request that a plaintiff submit to an examination, and in many cases, the exam occurs without objection. In instances where the plaintiff does object, it is the plaintiff's responsibility to file an objection with the court. Under this scenario, the plaintiff controls how much personal information is being revealed about him or herself.

If this bill were to pass, though, the defendant would file an initial request for examination with the court that would "specify" the scope of the physical or mental examination. The Branch is concerned that such a filing could allow the defendant an opportunity to disclose extensive personal health information about the plaintiff, potentially far more information than was contained in the plaintiff's initial complaint. In an era where court documents are widely e-filed, the potential harm to the plaintiff of an intended, or unintended, disclosure of personal information is maximized.

Since the current statutory mechanism works well, and since harm to the plaintiff could accrue should this bill pass, we respectfully request that the Committee take no action on it.

Thank you for the opportunity to submit written testimony in opposition to this bill.