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**Testimony of  
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EASTERN CONNECTICUT HEALTH NETWORK (ECHN)**

Submitted to the  
**Judiciary Committee**  
Friday, March 4, 2011 – Public Hearing

**OPPOSE HB 6487: An Act Concerning Certificates of Merit**

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On behalf of Eastern Connecticut Health Network (ECHN), I am submitting testimony today in strong opposition to House Bill 6487 – An Act Concerning Certificates of Merit.

ECHN is a not-for-profit community-based healthcare system that serves the residents of eastern Connecticut. Our healthcare system includes Manchester Memorial Hospital; Rockville General Hospital; Woodlake at Tolland Rehabilitation and Nursing Center; John A. DeQuattro Cancer Center; wellness centers and a series of medical practices.

The medical malpractice reform law enacted in 2005 is achieving to some extent what it was intended to do for healthcare providers like ECHN: limit the number of frivolous medical malpractice lawsuits against our physicians and allied health professionals.

Specifically, Public Act 05-275 requires that an attorney filing suit must attach to the certificate of merit a written opinion from an expert in the field. It requires that the expert offering the opinion to be a “similar healthcare provider” to the defendants. Lastly, if the plaintiff bringing the complaint fails to obtain the mandatory written opinion prior to filing the lawsuit, it will be rightfully dismissed.

Unfortunately, HB 6487 would undo all that has been accomplished in recent years to eliminate meritless healthcare complaints and unjustified jackpot payouts.

In particular, we have serious concerns regarding the language in HB 6487 that expands the types of professionals permitted to give pre-suit expert opinion to include any person who might be deemed an expert at the time of the trial. This means any expert would be allowed to provide a pre-suit opinion, regardless of whether the expert was a "similar healthcare provider," and selection would depend on the plaintiff's attorney's subjective assessment of who is a qualified expert.

In other words, it's like relying on a dermatologist to provide the pre-suit expert opinion in a complaint filed against a neurosurgeon. Unquestionably, this would significantly weaken the good faith certificate process.

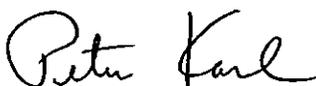
ECHN is also troubled by the provision that would remove the penalty of possible dismissal for failure to obtain and file a good faith certificate. The bill would give plaintiffs in non-compliance another chance to submit the good faith certificate within 30 days after filing the lawsuit – essentially diminishing the purpose of requiring a certificate.

Thanks to legislative action five years ago, healthcare providers have witnessed a decline in frivolous lawsuits; a lower number of claims paid out; less strain on our healthcare system's resources that are wasted on unnecessary discovery proceedings; much-needed relief from skyrocketing premiums that we endured in the late 1990s and early 2000s; and a better healthcare environment in Connecticut to attract and retain first-rate physicians.

ECHN's mission is to improve our communities' well-being by providing high-quality, compassionate healthcare. That is why the less money ECHN unnecessarily spends on unwarranted, expensive claims and payouts, the more money we will have to reinvest in our healthcare system. In turn, this will help create first-class non-profit community-based hospitals like Manchester Memorial and Rockville General for our 435 physicians and their patients.

Again, ECHN urges you to oppose HB 6487 because the reform law currently on the serves its purpose.

Thank you for your consideration.



Peter J. Karl  
President & CEO  
Eastern Connecticut Health Network (ECHN)