

March 24, 2011

**TO: MEMBERS OF THE JUDICIARY COMMITTEE**

**FROM: JEAN REXFORD for CONNECTICUT CENTER FOR PATIENT SAFETY**

**PLEASE OPPOSE HOUSE BILL 6622 --**

***AN ACT CONCERNING THE BURDEN OF PROOF IN MEDICAL MALPRACTICE CASES AND THE STANDARD OF CARE RELATED TO EMERGENCY MEDICAL CARE AND TREATMENT.***

The Connecticut Center for Patient Safety is a statewide nonprofit advocacy group representing health care consumers. One of the primary missions of our organization is to ensure that every healthcare consumer—old or young, rich or poor – each receives the highest quality care in our hospitals and healthcare institutions.

It appears to us that House Bill 6622 provides unwarranted legal protections to emergency room physicians; while at the same time the bill severely limits the rights of patients who are injured by the negligent conduct of physicians. We strongly OPPOSE these changes.

A new study has shed light on some bad news about emergency rooms:

Respected author David Magid, an ER physician and senior scientist at the Kaiser Permanente Colorado Institute for Health Research, noted the most surprising finding was how widespread the problems are for innocent patients who are treated in Emergency Rooms—striking every type of hospital.

The Kaiser Permanente researchers surveyed 3,562 emergency medicine clinicians in 65 hospitals. The majority of those surveyed said their emergency departments consistently lacked sufficient space to deliver patient care, and a third of the clinicians surveyed said that the number of patients consistently exceeded their capacity to provide safe care.

There have been other reports about the dire straits for patient safety in Emergency Room settings, including the *Institute of Medicine's 2006 Report* that declared the emergency system "at the breaking point." The study team, which included researchers from Massachusetts General Hospital, Harvard, Yale, and Cornell, made some very helpful recommendations:

- Among the recommendations are: (1) increasing or redesigning emergency department space, increasing staffing during periods of high demand; (2) reworking team processes to better share information, (3) improving the "hand-offs" relationship between the emergency department and inpatient areas of the hospital, and (4) providing more computer workstations and easy access to electronic health records in the ER.

We respectfully contend that rather than making a tragic situation worse by giving emergency room physicians a "legal pass," hospitals need to step up patient safety efforts. Hospital administrations seem pass the buck to the undertrained/overworked ER physicians who don't have sufficient resources, and

now under HB 6622, the ER physicians want to pass the buck onto the patient. The innocent patient is the last person who should have to be held responsible for a hospital's failure to provide the necessary resources to the Emergency Department.

**THANK YOU FOR OPPOSING HOUSE BILL 6622.**