



CONNECTICUT

**TESTIMONY OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)
BY
ANDY MARKOWSKI, CONNECTICUT STATE DIRECTOR
OPPOSING
SB-243, AAC CERTIFICATES OF MERIT
BEFORE THE
JUDICIARY COMMITTEE
MARCH 7, 2012**

A non-profit, non-partisan organization founded in 1943, NFIB is Connecticut's and the nation's leading small-business association. In Connecticut, NFIB represents thousands of members and their employees and membership is scattered across the state and ranges from sophisticated high technology enterprises to single-person "Mom & Pop" shops that operate in traditional ways. NFIB's mission is "To promote and protect the right of its members to own, operate, and grow their businesses." On behalf of those small- and independent- job-providers in Connecticut, I offer the following comments:

NFIB/Connecticut opposes SB-243. This unnecessary legislation would make significant changes to existing practice of ensuring that potential plaintiffs in medical malpractice actions have a reasonable basis for moving forward before filing suit. As such, this would unfortunately weaken the process in Connecticut for protecting against frivolous lawsuits.

Frivolous lawsuits not only create a climate of fear for Connecticut's small businesses, but in the case of medical malpractice actions, they can increase the already high costs of health care. While some claims are legitimate, a large percentage are completely without merit. However, individuals and entities that are sued still have to defend themselves, and this defense is often costly to both business and consumers. Before moving forward, such suits should continue to be vetted through Connecticut's existing certificate of merit process whereby the opinion comes from a similar health care provider.

NFIB strongly supports efforts to inject more fairness into the medical malpractice legal system, and reduce unnecessary litigation and legal costs that currently take a heavy toll on our members' ability to obtain affordable health care for their employees and dependents. The cost and uncertainty also make it more difficult for physicians to run their practices as small businesses, rather than working for larger entities. State efforts must be made to enable the reform of today's overly litigious tort system, and an unfortunately, legislation such as SB-243 only moves in the opposite direction. **NFIB/Connecticut therefore urges members of the Judiciary Committee to reject SB-243.** Thank you for the opportunity to comment.

National Federation of Independent Business — CONNECTICUT

1245 Farmington Avenue, Ste. 103 • West Hartford, CT 06107 • 860-216-8810 • 860-349-2406 • www.NFIB.com/CT