

**TESTIMONY OF  
ST. VINCENT'S HEALTH SERVICES SUBMITTED TO THE  
JUDICIARY COMMITTEE  
March 7, 2012  
SB 243, An Act Concerning Certificates Of Merit**

St. Vincent's Health Services appreciates the opportunity to submit testimony concerning **SB 243, An Act Concerning Certificates Of Merit**. St. Vincent's opposes this bill.

Under Connecticut law, civil "tort" cases that involve technical or scientific fields require expert testimony. If a party chooses to file suit against a health care provider, including a hospital, the party or his or her lawyer is required to conduct a pre-suit analysis to ensure that the claim is filed in "good faith." This pre-suit process is documented by a brief written explanation of an expert sufficiently qualified to offer that there appears to be evidence of medical negligence.

This new bill seeks a significant change to the good faith certificate process under current law. Under this new bill, persons who are not similar health care providers with the same specialty or training as the party being sued could instead provide the pre-suit expert opinion.

In 2005, the General Assembly specifically made changes to the good faith certificate requirement to require that the pre-suit evaluation be completed by a similar healthcare provider. The goal of those changes was to reduce ongoing problems "caused by plaintiffs misrepresenting or misunderstanding the physicians' opinions as to the merits of their action, to "ensure that there is a reasonable basis for filing a medical malpractice case under the circumstances," and to eliminate some of the more questionable or meritless cases filed under the standard that existed prior to 2005. This statutory framework was upheld by the Connecticut Supreme Court.

Under current law, the party's failure to file the good faith certificate with the suit makes the claim subject to dismissal, thereby eliminating a meritless claim against a health care provider, which is costly to defend. The new bill also proposes that the party be able to file the certificate of expert within 30 days after dismissal, causing further delay and defense costs. We submit that these funds would be better put to use in enhancing services to the patients that we serve.

We urge you to oppose SB 243.

Thank you for your consideration of our position.