



**Connecticut State Medical Society
Connecticut Chapter of the American College of Physicians
Connecticut Chapter of the American College of Surgeons
Testimony in STRONG Support of House Bill 5434 An Act Concerning The Professional
Standard of Care for Emergency Medical Care Providers**

**Public Health Committee
March 7, 2012**

Senator Gerratana, Representative Ritter and Members of the Public Health Committee, on behalf of the more than 8,500 members of the Connecticut State Medical Society (CSMS) and the Connecticut Chapters of the American College of Physicians and the American College of Surgeons, thank you for opportunity to provide this testimony in **STRONG Support of House Bill 5434 An Act Concerning The Professional Standard of Care for Emergency Medical Care Providers**

For over a quarter of a century, a federal law called the Emergency Medical Treatment and Active Labor Act (EMTALA) has ensured that every person has a RIGHT to emergency medical care in hospitals.. Physicians -- including those practicing emergency medicine, as well as other medical specialists, surgeons and even primary care physicians who provide medical care in emergency situations to stabilize a condition -- cannot chose the patients or services they provide. A significant portion of people requiring services covered by EMTALA lack the financial resources or health insurance to pay for those services and often fall into a high-risk category in which complications beyond the control of the physician may develop, causing both patient and physician considerable issue. The bill before you today moves us toward increased protection for physicians providing emergency services and will guarantee that patients in need of such services receive appropriate and high quality medical care.

The language before you today states that physicians providing services in emergency departments shall not be held liable unless, as appropriate, the physician demonstrated a "reckless disregard" for consequences. As defined, this would be a situation in which the physician knew or should have known that the treatment created an unreasonable risk of injury. We support this language. However, we ask that the proposed bill be amended to include ANY EMTALA-related service including those provided by physicians in settings other than an Emergency Department, as there are other settings where emergency care and treatment are provided.

In addition, we support language contained in Section 1(a)(2) stating that in medical liability cases a claimant "shall have the burden of proving clear and convincing evidence that the alleged actions of the health care provider represented a breach of the prevailing professional standard of care for that health care provider."