



The Fairfield County Medical Association

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To members to the Judiciary Committee:

We are opposed to Raised Bill NO. 243, An Act Concerning Certificate of Merit, specifically, where “qualified” is to be substituted for “similar” in paragraph 2.

The ramifications in medical malpractice cases of allowing an opinion rendered by a “qualified” health care provider are vastly different from those rendered by a “similar” health care provider.

“Qualified” is overly broad and would allow any licensed physician to provide an opinion on whether medical malpractice has occurred even if he or she lacks the knowledge or experience to do so. This would increase the number of ill-founded malpractice suits.

For instance, under the proposed change, a urologist (kidney doctor) would be permitted to give an opinion in a case of alleged malpractice by a cardiologist (heart doctor). In both cases the physicians are “qualified” in that they are both licensed health care providers, but the complexity of modern medicine does not make either of them fit to render a suitable opinion regarding malpractice in a field outside of their own particular specialty.

Thus, an opinion regarding an allegation of malpractice must be rendered by a physician whose specialty is the same as the physician against whom the allegation of malpractice was brought.

Sincerely,

Edward J. Volpintesta MD

For the Fairfield County Medical Association